U.S. Department
of Transportation
**Federal Aviation
Administration**

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## AIR TOUR OPERATORS (DEFINED UNDER § 91.147)

As a commercial air tour operator, defined under 14 CFR part 91, § 91.147, you must comply with the following drug and alcohol testing Federal Regulations:

- Title 49 CFR part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, and
- Title 14 CFR part 120, Drug and Alcohol Testing Program

To initiate your testing program, you must obtain a Letter of Authorization (LOA) from your local Flight Standards District Office. Once your LOA is active, you must implement your testing program no later than the date you start your air tour operation.

When implementing your testing program, you must ensure that all individuals performing safety-sensitive functions directly or by contract (including subcontract at any tier) are subject to testing. Safety-sensitive functions (as described in §§ 120.105 and 120.215) include:

- flight crewmember duties,
- flight attendant duties,
- flight instruction duties,
- aircraft dispatcher duties,
- aircraft maintenance and preventive maintenance duties,
- ground security coordinator duties,
- aviation screening duties, and
- air traffic control duties.

The individuals who are performing these safety-sensitive functions must be subject to the following types of drug and alcohol testing (as described in §§ 120.109 and 120.217):

- pre-employment,
- reasonable cause/suspicion,
- random,
- post-accident,
- return-to-duty, and
- follow-up.

The testing procedures are established in the Department of Transportation's (DOT's) Workplace Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Title 49 CFR Part 40.

When developing your FAA-mandated drug and alcohol testing program, you must:

- Ensure that no one is hired for or transferred into a safety-sensitive function without first conducting a pre-employment drug tested and receiving a verified negative test result. More information regarding pre-employment drug testing may be found under § 120.109(a). Pre-employment alcohol testing is not required, however, may be implemented according to § 120.217(a).

- Conduct a drug and alcohol records check, after obtaining an employee's written consent, requesting the information included in 49 CFR part 40, § 40.25(b) from DOT-regulated employers who have employed this individual during the two years prior to the date of application or transfer. A sample form is available on the Department's Web site at http://www.dot.gov/odapc/Docs/testingpubs/roi_1.pdf. Further requirements are explained in § 40.25.

  When hiring pilots, you must comply with the requirements of the Pilot Records Improvement Act (PRIA). For more information concerning PRIA, including a sample form, visit our Web site at http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/forms/.

  You must obtain and review this information prior to the first time the employee performs safety-sensitive duties.

- Educate and train your employees on the effects and consequences of drug abuse and alcohol misuse, as well as your supervisors who will make determinations of whether reasonable cause/suspicion testing is necessary. More information regarding training and materials may be found under §§ 120.115 and 120.223.

- Ensure that employees are included in your random drug and alcohol testing pool and have an equal chance of being tested each time selections are made. You must conduct annual random testing at a minimum rate of 25% for drugs and 10% for alcohol. More information regarding random testing may be found under §§ 120.109(b) and 120.217(c).

Many more requirements are included in the testing regulations, and we encourage employers to review the regulations thoroughly. Copies of the regulations and additional guidance materials are available at the following Web sites:

http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/

www.dot.gov/odapc/

If you have any questions, please contact the FAA's Drug Abatement Division directly at (202) 267-8442 or drugabatement@faa.gov.