Federal Aviation Administration

Memorandum

Date: JAN 11 2008

To: All Regional Flight Standards Division Managers

From: Steven W. Douglas, Acting Manager, Aircraft Maintenance Division, AFS-300

Prepared by: Martin J. Bailey, x7-7045, AFS-350

Subject: Clarification of Notice 8900.18, Recording Operations Specifications for A449 for Part 145 Repair Stations

To assist the Drug Abatement Division, the recording of OpSpecs A449 was changed to three categories: A1 (repair station standalone program), A2 (multiple repair stations under one program that is directly registered with drug abatement division), and A3 (repair station under an air carrier's program). Notice 8900.18 (attached) was established to provide guidance in the documentation\recording of A449. In the application of Notice 8900.18, feedback from the field indicated a need for clarification of section 8 Action of Notice 8900.18. There are two primary areas of clarification. The first area is the recording of a repair station utilizing the consortium, and the second area is a clarification/revised example of a repair station under air carrier's program.

It is the repair station's responsibility to know what type drug and alcohol program it is operating under. Each company/repair station is responsible for their compliance with the drug and alcohol regulations.

A consortium is a service agent hired by a company/repair station to help in the implementation of the drug and alcohol testing program. It is possible that a consortium can be used as part of any of the following three categories A1, A2 and A3. A key point of clarification is multiple repair stations using a consortium does not automatically put them into an A2 category. The following discusses each category and provides further clarification:

A1: Category A1 is a repair station that has a stand-alone drug and alcohol program; 95 percent of the repair facilities have stand-alone programs. Multiple repair stations that are using the same consortium and are NOT registered with the Drug Abatement Division will fall into the A1 category. The address recorded in A449 is the location where the drug and alcohol testing records are kept, whether at the repair station or at the consortium. Please enter the address provided by the repair station.

A2: Category A2 is more than one repair station under one drug and alcohol program that is registered with the Drug Abatement Division. This is a company with multiple part 145 certificates/locations, a company that has a certified repair station and non-certified maintenance locations, or a company that has employees who perform safety-sensitive work outside the scope of the 145 certificate (possibly under the employee's airframe and power plant (A&P) license). There are approximately 75 part 145 repair stations registered with the Drug Abatement Division.

After registration is completed with the Drug Abatement Division, the repair station is issued a registration number e.g. (CONNXXX [A or B]). The application to register with the Drug Abatement Division is available on the Drug Abatement Division's webpage.

An easy process to clarify if the repair station falls under A2 is to ask the repair station if it has a drug abatement registration number e.g., (CONNXXX [A or B]).

A3: Category A3 is a repair station that choses to comply with the drug and alcohol testing regulations by being covered under someone else's drug and alcohol program. For example, A3 would be a repair station under a 'parent' 121/135 of whom the business is being conducted, or the LOA of a 91.147 air tour operator.

Below is the example of A3 that replaced the original example in Notice 8900.18:

EXAMPLE: An air carrier operating under part 121 also maintains a part 145 repair station (RS103). RS103 works solely for the air carrier. The air carrier chooses to implement its drug and alcohol testing program for the part 121 and includes its RS103 employees. RS103 does not implement its own testing program. If RS103 chooses to contract out to a third-party air carrier, the third-party air carrier is required to ensure that the employees working for RS103 are subject to an FAA-mandated drug and alcohol testing program. To do this, the third-party air carrier must obtain this verification with the part 121 that includes the RS103 employees under its testing program. NOTE: It is the Drug Abatement Division's responsibility to ensure that the third-party air carrier has obtained assurance from the part 121 air carrier that the RS103 employees performing safety-sensitive functions are subject to testing.

Attachment

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.18

National Policy

Effective Date:
9/11/07

Cancellation Date:
9/11/08

SUBJ: Recording Operations Specification A449 for Part 145 Repair Stations

1. Purpose of This Notice. This notice introduces the revised documentation process for the issuance of operations specification (OpSpec) A449, Antidrug and Alcohol Misuse Prevention Program, to Title 14 of the Code of Federal Regulations (14 CFR) part 145 repair stations. It also provides guidance for aviation safety inspectors (ASI) on the proper issuance/recording of the revised OpSpec A449.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) ASIs who issue/record revised OpSpec A449 for part 145 repair stations. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters.

3. Where You Can Find This Notice. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avr.faa.gov. Operators and the public may find this information at http://fsims.faa.gov.

4. Background. Since 1988, 14 CFR part 121 appendices I and J have required specified aviation employers to implement drug and alcohol testing programs. Originally, a part 145 repair station submitted an Antidrug and Alcohol Misuse Prevention Program to the Drug Abatement Division for approval. In 2004, the regulations were changed to allow part 145 repair stations to obtain OpSpec A449 to certify compliance with the regulations. Upon obtaining OpSpec paragraph A449, each part 145 repair station is required to implement their testing program under these regulations. The regulations require that each 14 CFR part 119 certificate holder, with the authority to operate under 14 CFR part 121 and/or 135, or sightseeing operation defined under 14 CFR part 91, § 91.147, ensure that any individual who performs safety-sensitive functions (directly or by contract) is subject to testing under the FAA's drug and alcohol testing regulations.

a. Compliance. The operator may choose one of two ways:

(1) Include individuals performing safety-sensitive functions from a part 145 repair station under their own drug and alcohol testing program; or

(2) Ensure the part 145 repair stations include the individual performing safety-sensitive functions are under an FAA-mandated drug and alcohol testing program.

b. Proprietary Program. When a part 145 repair station chooses to implement their own drug and alcohol testing program, they may choose one of two ways:

(1) Obtain OpSpec paragraph A449 in their OpSpecs; or

(2) Register a combined drug and alcohol testing program directly with the Drug Abatement Division. Combined is described as a repair station with multiple locations or certificates.

5. Discussion.

a. Problem. Recent inquires from the field have disclosed that OpSpec A449 used to record the Antidrug and Alcohol Misuse Prevention Program for a part 145 repair station were not properly issued. OpSpec A449s were being generated for part 145 repair stations that are included under a part 121, 121/135, 135 certificate holders, or part 91 operators conducting sightseeing operations under § 91.147. This generated a conflict with the drug and alcohol regulations.

b. Solution. The resolution of this conflict will be accomplished in two phases. Phase I will be accomplished with guidance found in this notice changing the documentation procedures to the existing OpSpec A449. Phase II will be accomplished in making the changes permanent in the new Web-based automated Operations Safety System (WEBOPSS) that is in development and slated to be implemented in early 2008.

Note: OpSpec A449 is a data collection template only.

6. Authority.

a. Principal Agency. The Drug Abatement Division, AAM-800, is the principal agency responsible for the development, implementation, administration, evaluation, and compliance monitoring of the aviation industry's. Antidrug and Alcohol Misuse Prevention Programs as set forth in part 121, appendices I and J and other relevant regulations.

b. Responsibility. All oversight of the Antidrug and Alcohol Misuse Prevention guidance, inspections, and enforcement activity will be conducted exclusively by the Office of Aerospace Medicine, Drug Abatement Division, AAM-800. Any and all enforcement actions to be taken for violations of part 121, appendices I and J, and other sections of 14 CFR related to drug and alcohol testing by the aviation industry is the sole responsibility of AAM-800. Any indication of possible regulatory violations of these provisions must be referred to the AAM-800 at the following address: FAA, Office of Aviation Medicine, Drug Abatement Division, AAM-800, 800 Independence Avenue, SW., Washington, DC 20591. All questions regarding the Antidrug and Alcohol Misuse Prevention Program must also be directed to AAM-800.

7. Guidance. As identified earlier, OpSpec A449 is applicable for part 121, 121/135, 135 certificate holders, or LOA A049 for part 91 operators conducting sightseeing operations under § 91.147. OpSpec A449 is also applicable to certified part 145 repair stations maintenance facilities that perform safety-sensitive functions for the above identified operations and choose to implement their own FAA-mandated drug and alcohol testing program.

a. Responsibility. Certificate holders, program managers, or operators are responsible for providing the information required by part 121, appendices I and J to the principal inspector (PI) for the issuance of OpSpec A449 as applicable. When any changes occur, certificate holders and operators are responsible for providing Flight Standards Service with current information to update and amend OpSpec A449.

b. The following questions and answers should help:

Question	Answer	Explanation
Is a part 145 certificated repair station required to comply with FAA drug and alcohol regulations?	No	But a part 119 certificate holder, with the authority to operate under parts 121 and/or 135, or sightseeing operation defined under § 91.147, are prohibited from using any contractor or contract employee to perform safety-sensitive work, unless that individual is subject to testing under a domestic and or FAA Drug and Alcohol Program.
Should I, as a principal maintenance inspector (PMI), ensure a part 145 certificate holder is in compliance with the Drug and Alcohol Testing Program regulations?	No	Any questions that you or a company might have about program compliance or implementation by a part 145 certificate holder should be referred to the Drug Abatement Division, 202-267-8442 or at drugabatement@faa.gov.
What oversight responsibility does the principal operations inspector (POI) or PMI have regarding a certificate holder's requirement to ensure that contractors who perform safety-sensitive work are subject to the drug and alcohol testing program?	None	All Flight Standards inspectors' primary responsibilities relating to the drug and alcohol testing regulations are to issue and make changes to an employer's OpSpec A449 or to issue the letter of authorization (A049) for § 91.147. For any questions, please contact a Drug Abatement manager at 202-267-8442 or drugabatement@faa.gov.

8. Action. The PIs for a part 145 repair station using the guidance provided in this notice will reissue the A449 template no later than 3 months from the publication of this notice. In addition, issuing or reissuing can be accomplished when certificating a new part 145 repair station or when providing oversight of an existing part 145 repair stations that provides safety-sensitive functions for parts 121, 121/135, and 135 certificate holders, or part 91 operators conducting sightseeing operations under § 91.147, the PI will record or validate the location of a part 145 repair station's Antidrug and Alcohol Misuse Prevention Program records in OpSpec A449 as described below.

a. Implementation of Proprietary Program. If the part 145 repair station certificate holder has elected to implement its own Antidrug and Alcohol Misuse Prevention Program, record or validate where their Antidrug and Alcohol Misuse Prevention Program records are

maintained and available for inspection by FAA drug abatement compliance and enforcement inspectors by filling out OpSpec paragraph A449 as follows:

Table 1

Location & Telephone of Antidrug and Alcohol Misuse Prevention Program Records:	
Telephone Number:	A1 (202)-575-8732
Address:	699 Strander Dr.
Address:	N/A
City	Tukwila
State	WA
Zip code	98899

EXAMPLE: RS101 is a repair station that provides safety-sensitive functions to a major airline operating in their area. RS101 chooses to implement their own drug and alcohol testing program to cover their safety-sensitive employees. RS101 contacts their PI and requests an OpSpec paragraph A449 be included in their OpSpecs.

b. Registered Proprietary Program. If a part 145 repair station certificate holder has registered its Antidrug and Alcohol Misuse Prevention Program directly with the Drug Abatement Division of the FAA, record or validate their Antidrug and Alcohol Misuse Prevention Program records by filling out OpSpec paragraph A449 as follows:

Table 1

Location & Telephone of Antidrug and Alcohol Misuse Prevention Program Records:	
Telephone Number:	A2
Address:	
Address:	
City	
State	
Zip code	

EXAMPLE: RS102 is a corporation of repair station. They have a central location in Kansas City, as well as several outlying repair stations in Denver, Atlanta, and Miami. RS102 chooses to implement their own drug and alcohol testing program, which will include all of their locations RS102 contacts AAM-800 to submit a contractor registration, which includes a listing of all the repair stations and locations their program will cover.

c. Included in Air Carrier's Program. If the part 145 repair station certificate holder is included as part of the air carrier's (parts 121, 135, or part 91, § 91.147) drug and alcohol testing program, record or validate their Antidrug and Alcohol Misuse Prevention Program records by filling out OpSpec paragraph A449 as follows:

Table 1

Location & Telephone of Antidrug and Alcohol Misuse Prevention Program Records:	
Telephone Number:	A3
Address:	
Address:	
City	
State	
Zip code	

EXAMPLE: An air carrier operating under part 121 also maintains a part 145 repair station (RS103). RS103 works solely for the air carrier. The air carrier chooses to implement its drug and alcohol testing program for the part 121 and includes its RS103 employees. RS103 does not implement its own testing program. If RS103 chooses to contract out to a third-party air carrier, the third-party air carrier is required to ensure that the employees working for RS103 are subject to an FAA-mandated drug and alcohol testing program. To do this, the third-party air carrier must obtain this verification with the part 121 that includes the RS103 employees under its testing program. NOTE: It is the Drug Abatement Division's responsibility to ensure that the third-party air carrier has obtained assurance from the part 121 air carrier that the RS103 employees performing safety-sensitive functions are subject to testing.

9. Disposition. We will permanently incorporate the information in this notice in FSIMS before this notice expires. Direct questions concerning this notice to the Repair Station Branch, AFS-340 at (202) 267-7045.

ORIGINAL SIGNED BY
Carol Giles for

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Director, Flight Standards Service