



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

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## **AIR TRAFFIC CONTROL TOWER FACILITY WITH ACTIVE REGISTRATION**

As an air traffic control facility not operated by the FAA or by or under contract to the U.S. military, 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 register with the FAA's Drug Abatement Division (AAM-800). A registration sample and instructions are available on the FAA's Web site at [http://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/aam/drug\\_alcohol/starting/media/RegistrationForm.pdf](http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/starting/media/RegistrationForm.pdf). Once your registration is active, you must implement your FAA-mandated testing program no later than the date you start operations.

When implementing your testing program, you must ensure that all individuals performing air traffic controller duties, directly or by contract (including subcontract at any tier), are subject to testing. The full list of safety-sensitive functions is included in §§ 120.105 and 120.215.

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) 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 test 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. Further requirements are explained in § 40.25. You must obtain and review this information prior to the first time the employee performs safety-sensitive duties. For a sample form, visit [http://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/aam/drug\\_alcohol/forms/](http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/forms/).
- 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. For a sample policy, visit [http://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/aam/drug\\_alcohol/forms/drug\\_policies/](http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/forms/drug_policies/).
- 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).

Review part 120 and part 40 for all the drug and alcohol testing requirements. Copies of the regulations and additional guidance materials are available at <http://www.faa.gov/go/drugabatement> and [www.dot.gov/odapc](http://www.dot.gov/odapc).

The FAA's web site has a Designated Employer Representative (DER) awareness page that includes a video series, compliance brochure, and several posters to use in your facility or office. We encourage you to subscribe to updates when information becomes available online. You may subscribe on our main page. If you have any questions, please contact the FAA's Drug Abatement Division directly at (202) 267-8442 or [drugabatement@faa.gov](mailto:drugabatement@faa.gov).

*The Drug Abatement Division strives to provide quality service. We invite you to complete a feedback form at [http://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/stakeholder\\_feedback/aam/aam800/](http://www.faa.gov/about/office_org/headquarters_offices/avs/stakeholder_feedback/aam/aam800/).*