



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

Drug Abatement Division  
800 Independence Ave., S.W.  
Washington, D.C. 20591  
(202) 267-8442  
drugabatement@faa.gov

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

As an air traffic control facility no 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 safety-sensitive functions (e.g., air traffic control duties) directly or by contract (including subcontract at any tier) are subject to testing. The list of all 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) 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](http://www.dot.gov/odapc/Docs/testingpubs/roi_1.pdf). 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.
- 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/](http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/)

[www.dot.gov/odapc/](http://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](mailto:drugabatement@faa.gov).