

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.276

National Policy

Effective Date:
10/16/14

Cancellation Date:
10/16/15

SUBJ: Combined Drug and Alcohol Testing Programs for Air Carriers also
Conducting Commercial Air Tours (Section 91.147; LOA A049)

1. Purpose of This Notice. This notice introduces the revised documentation process that allows Title 14 of the Code of Federal Regulations (14 CFR) part 119 certificate holders authorized to operate under 14 CFR part 121, 121/135, or 135, who also conduct air tour operations under 14 CFR part 91, § 91.147, to combine drug and alcohol testing programs. It also provides guidance for certificate-holding district offices (CHDO), including principal inspectors (PIs), on the proper recording of the revised Letter of Authorization (LOA) A049, Letter of Authorization for Commercial Air Tour Operations and Antidrug and Alcohol Misuse Prevention Program Registration, for the air tour operation.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) PIs who record revised LOAs for air tour operations. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the Federal Aviation Administration's (FAA) Web site at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. Title 14 CFR part 120 requires certain operators to implement a drug and alcohol testing program:

a. Part 119 Certificate Holders:

- Part 121 operators.
- Part 121/135 operators.
- Part 135 operators.

b. Commercial Air Tour Operators as Defined in § 91.147.

5. Combined Program. Part 119 operators who are conducting a part 121, 121/135, or 135 operation and commercial air tour operations under § 91.147 were required to administer separate drug and alcohol testing programs. This duplication added administrative and financial

burdens for the operator, but it did not increase safety. Since 2008, the FAA granted approximately 135 exemptions that allowed those specified operators to implement a single testing program. Given the large number of exemptions, part 120 has been amended. The rule now permits part 121, 121/135, or 135 operators, which also operate § 91.147 commercial air tours, the option to combine drug and alcohol testing programs without requiring an exemption.

6. Voluntary Operation. Operating a combined program is voluntary. The operator must first notify the CHDO that all safety-sensitive employees will be included under the part 121, 121/135, or 135 testing program. It must then amend its LOA A049.

Note: WebOPSS will automatically notify AAM-820 of the LOA changes.

7. Authority. AAM-800 is the principal agency responsible for the development, implementation, administration, evaluation, and compliance monitoring of the aviation industry’s drug and alcohol testing programs as set forth in part 120 and other relevant regulations. All oversight is the exclusive responsibility of AAM-800. This includes all enforcement actions for violations of part 120 and other sections of 14 CFR related to drug and alcohol testing by the aviation industry. Direct all questions regarding the Drug and Alcohol Testing Program to the Office of Aerospace Medicine, Drug Abatement Division (AAM-800), at 800 Independence Avenue, SW., Washington, DC 20591; drugabatement@faa.gov; by telephone at 202-267-8442; or by fax at 202-267-5200.

8. Guidance. Revisions to LOA A049 regarding combining drug and alcohol testing programs are applicable for a part 121, 121/135, or 135 certificate holder who also conducts commercial air tour operations defined under § 91.147.

a. Responsibility. Certificate holders, program managers, or operators are responsible for providing the information required in part 120 to the CHDO for inclusion with the LOA A049. When information changes, the certificate holders and operators are responsible for updating the LOA A049 with the CHDO.

b. Q & A. The following questions and answers should help:

Question	Answer	Explanation
Is a part 121, 121/135, or 135 operator who conducts § 91.147 air tours required to combine its drug and alcohol testing programs?	No	This is an optional provision. If a part 121, 121/135, or 135 operator who conducts § 91.147 air tours chooses to operate a combined program, it must notify the CHDO before implementing and/or operating the combined program. Failure to do so may be a violation of 14 CFR part 120 and the confidentiality provisions in 49 CFR part 40.

Question	Answer	Explanation
Should I, as a principal inspector, ensure that part 121, 121/135, 135, or § 91.147 operations are in compliance with the Drug and Alcohol Testing Program regulations prior to or after issuing an LOA A049 or other A449?	No	All questions or compliance concerns should be referred to the Drug Abatement Division at 202-267-8442 or at drugabatement@faa.gov
What oversight responsibility does the CHDO have regarding an operator’s requirement to ensure that two drug and alcohol testing programs are maintained in the absence of the revisions included in this notice?	None	<p>Pertaining to an approved drug and alcohol testing program, an aviation safety inspector’s (ASI) primary responsibility is to initiate/revise/cancel an operator’s LOA A049.</p> <p>Questions? Contact the Drug Abatement Division at 202-267-8442 or drugabatement@faa.gov.</p>

9. Action.

a. LOA Revision. The CHDO responsible for a part 121, 121/135, or 135 operator that also conducts air tour operations as defined in § 91.147, using the guidance provided in this notice, may revise the LOA A049 upon request of the operator.

b. Implementation of the Revision. If a part 119 certificate holder wishes to operate a combined program that includes their air tour operation, the LOA A049 must be annotated with an “A3” and the part 121, 121/135, or 135 certificate number in the Telephone Number line of the Records Address (as shown in Figure 1).

Figure 1. Example A049 Table 3 for a Program Included in Air Carrier’s Program

Location & Telephone of Antidrug and Alcohol Misuse Prevention Program Records	
Telephone Number:	A3 (ADD AIR CARRIER CERTIFICATE NUMBER HERE)
Address:	
Address:	
City:	
State:	
Zip Code:	

EXAMPLE: A part 135 air carrier also conducts § 91.147 commercial air tours, e.g., Air Tours America (ATA). The part 135 operator employs ATA's pilots. The part 135 operator must implement a drug and alcohol testing program; it may elect to include ATA's employees. Issue ATA a LOA A049, annotated as "A3," above. Use the 8-digit certificate number. Use one space between "A3" and the certificate number.

10. Disposition. We will incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct questions concerning the information in this notice to the Part 135 Air Carrier Operations Branch (AFS-250) at 202-267-8166. Direct questions regarding the Drug and Alcohol Testing Program to the Office of Aerospace Medicine, Drug Abatement Division (AAM-800), at 800 Independence Avenue, SW., Washington, DC 20591; drugabatement@faa.gov; by telephone at 202-267-8442; or by fax at 202-267-5200.



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