

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.592

National Policy

Effective Date:
8/13/21

Cancellation Date:
8/13/22

SUBJ: FAA-Certificated Repair Stations and Revised OpSpec A449, Drug and Alcohol Testing Program

1. Purpose of This Notice. This notice announces revised guidance to clarify the codification (A-codes A1, A2, A3) used in operations specification (OpSpec) A449 for Title 14 of the Code of Federal Regulations (14 CFR) part 145 repair stations. This revised guidance aims to improve the appropriate A-code entry, which is utilized by the Office of Aerospace Medicine, Drug Abatement Division (AAM-800) to determine the number and relationship of facilities with drug and alcohol testing programs, and determine which of these need to be inspected. The revised guidance emphasizes the importance of collaboration between the Flight Standards Service (FS) and AAM-800. This notice also announces a nonmandatory revision to OpSpec A449 for part 145 repair stations, replacing references to the “Antidrug and Alcohol Misuse Prevention Program” with the “drug and alcohol testing program” to align with the regulatory requirements of 14 CFR part 120. This notice also provides factors to consider for management position candidates having a finding of material contribution related to the revocation of a certificate under part 145 and clarifies appeal rights for denials of part 145 certificate applications.

2. Audience. The primary audience for this notice includes FS Safety Assurance offices and PIs responsible for part 145 certificate holders (CH) performing safety-sensitive functions for a 14 CFR part 121, 121/135, or 135 CH, or for a 14 CFR part 91 operator conducting commercial air tour operations under § 91.147, and FS personnel responsible for part 145 certificate applicants intending to perform such safety-sensitive functions. The secondary audience includes the Safety Standards and the Foundational Business offices.

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

4. Background.

a. AAM-800 is responsible for monitoring the aviation industry’s compliance with the Department of Transportation (DOT) and FAA drug and alcohol testing regulations by providing surveillance of regulated employers (including 14 CFR part 121, 121/135, 135, or § 91.147

operators, part 145 CHs, and non-certificated contractors that elect to conduct testing). AAM-800 uses a program called Compliance and Enforcement Tracking Subsystem (CETS) to schedule and document oversight activities with the regulated employers. CETS uses the Web-based Operations Safety System (WebOPSS) and the National Vital Information Subsystem (NVIS) as the sources to populate its company data.

b. When a part 145 repair station is issued OpSpec A449, AAM-800 relies on FS PIs to enter the correct codification (A-code) that resides in the telephone line of OpSpec A449 in accordance with FAA Order 8900.1, Volume 3, Chapter 18, Section 10. AAM-800 needs this information to determine the number and relationship of facilities with drug and alcohol testing programs, and to determine which of these need to be inspected. AAM-800 has to assume the risk of an incorrect A-code (A1, A2, or A3) being entered into OpSpec A449. An incorrect code indicates to CETS that a company does not need to be inspected; and it is therefore not included in the company-scheduling portion of CETS. Collaboration between AAM-800 and the responsible Flight Standards office is essential for taking corrective action on incorrect entries in OpSpec A449.

5. Guidance.

a. FAA Order 8900.1. The following Order 8900.1 guidance has been updated:

- Volume 2, Chapter 11, Section 1, Phase 1—Preapplication;
- Volume 2, Chapter 11, Section 2, Phase 2—Formal Application (SAS Business Process Modules 1 and 2); and
- Volume 3, Chapter 18, Section 10, Parts A, B, and D Operations Specifications for Part 145 Repair Stations.

b. OpSpec Template. The sample OpSpec A449 template in Appendix A applies to part 145 and updates the title and references from “Antidrug and Alcohol Misuse Prevention Program” to “Drug and Alcohol Testing Program”, in accordance with part 120.

6. Applicability. OpSpec A449 is required for all part 145 repair stations performing safety-sensitive functions for part 121, 121/135, or 135 CHs, or for part 91 operators conducting commercial air tour operations under § 91.147. OpSpec A449 is issued to record the type of FAA-mandated drug and alcohol testing program implemented by the repair station, as indicated by the applicable A-code, and record information on where the program records are kept.

7. Action. PIs should review the OpSpec A449 guidance and provide a copy of this notice to their assigned part 145 CHs.

a. Required Information. CHs and operators are responsible for providing the information required by part 120, §§ 120.117(d) and 120.225(d) for the issuance and updates of OpSpec A449, as applicable.

b. Part 145 CHs Issued A449. PIs should review OpSpec A449 issued to their assigned part 145 CHs to ensure that the proper A-code has been entered, and that all other information is up to date. This is a nonmandatory revision to OpSpec A449. However, PIs must reissue

OpSpec A449 to all repair stations requiring updates as a result of the review. This should be completed within 90 days of the “HQ Control Date” of the revised OpSpec A449. Refer to Order 8900.1, Volume 3, Chapter 18, Section 10, Table 3-6B, Operations Specification A449 Questions and Answers, for additional information. When reissuing OpSpec A449, the CH’s OpSpec A004, Summary of Special Authorizations and Limitations, should also be reissued to include the updated authorization statement that reflects the revised program title. The PI should communicate with AAM-800 (via email at AAM-810-Contractor-Registration@faa.gov) for concurrence prior to reissuance of OpSpec A449.

c. Applicant for a Part 145 Certificate. If the applicant intends to perform safety-sensitive functions for a part 121, 121/135, or 135 CH, or for a part 91 operator conducting commercial air tour operations under § 91.147, FS personnel should notify AAM-800 (via email at AAM-810-Contractor-Registration@faa.gov) upon receipt of FAA Form 8400-6, Preapplication Statement of Intent. This communication expands oversight collaboration, and enables AAM-800 to provide assistance prior to the commencement of operations. AAM-800 collaboration and concurrence prior to issuance of OpSpec A449 is essential for establishing a solid baseline.

8. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct questions and comments concerning the information in this notice to the Aircraft Maintenance Division, Repair Station Branch (AFS-340) at (202) 267-1675.



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**Appendix A. Sample OpSpec A449, Drug and Alcohol Testing Program:
14 CFR Part 145**

- a. The 14 CFR Part 145 repair station certificate holder has implemented a drug and alcohol testing program because the certificate holder performs safety-sensitive functions for a 14 CFR Parts 121, 121/135, and/or 135 certificate holder, and/or for a 14 CFR Part 91 operator conducting operations under § 91.147.
- b. The certificate holder certifies that it will comply with the requirements of 14 CFR Part 120 and 49 CFR Part 40 for its drug and alcohol testing program.
- c. Drug and alcohol testing program records are maintained and available for inspection by the FAA's Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 1 below:

Table 1

| Location & Telephone of Drug and Alcohol Testing Program Records | |
|---|----------|
| Telephone Number: | [A-Code] |
| Address: | |
| Address: | |
| City: | |
| State: | |
| Zip Code: | |

d. Limitations and Provisions.

(1) The FAA's Drug Abatement Division is responsible for oversight and enforcement of the DOT/FAA-mandated drug and alcohol testing program. Questions regarding the program requirements or regulations must be directed to the Drug Abatement Division at 202-267-8442 or drugabatement@faa.gov.

(2) The certificate holder is responsible for updating this operations specification when any of the following changes occur:

(a) Phone number and address where the drug and alcohol testing program records are kept.

(b) If the certificate holder's number of safety-sensitive employees goes to 50 and above, or falls below 50 safety-sensitive employees.

(3) The certificate holder with 50 or more employees performing a safety-sensitive function on January 1 of the calendar year must submit an annual report to the Drug Abatement Division of the FAA.

(4) The certificate holder with fewer than 50 employees performing a safety-sensitive function on January 1 of any calendar year must submit an annual report upon request of the Administrator.

- e. The certificate holder has 50 or more safety-sensitive employees. - **OR** -
- e. The certificate holder has fewer than 50 safety-sensitive employees.