



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of Aerospace Medicine
Drug Abatement Division
(202) 267-8442
drugabatement@faa.gov

OPERATORS AS DEFINED UNDER 14 CFR § 91.147

As a commercial air tour operator defined under 14 CFR § 91.147, you must comply with the following drug and alcohol testing Federal Regulations:

- Title 49 CFR part 40, Procedures for Transportation Drug and Alcohol Testing Programs, which establishes the collection and testing process, and
- Title 14 CFR part 120, Drug and Alcohol Testing Program, which defines who is covered and the types of testing, training, and reporting requirements.

To initiate your testing program, you must obtain a Letter of Authorization (LOA) from your local FAA Flight Standards District Office (FSDO). Once your LOA is active, you must implement your testing program no later than the date you start your air tour operation.

When implementing your testing program, you must ensure that all individuals performing safety-sensitive functions directly or by contract (including subcontract at any tier) are subject to testing. Safety-sensitive functions are listed under 14 CFR §§ 120.105 and 120.215¹ and include:

- flight crewmember duties,
- flight attendant duties,
- flight instruction duties,
- aircraft dispatcher duties,
- aircraft maintenance and preventive maintenance duties,
- ground security coordinator duties,
- aviation screening duties,
- air traffic control duties, and
- operations control specialist duties.

If you hire a contract employee and rely on the contractor to conduct its own testing under an A449 or program registration, the employee must be working within the scope of employment with the contractor. You are responsible for ensuring your contractors have an active program; therefore, it is a best practice to obtain a copy of the A449 and/or registration (if a part 145 certificate holder is part of a registered program). You must ensure that any employees who are performing safety-sensitive functions are subject to the following types of drug and alcohol testing in accordance with 14 CFR §§ 120.109 and 120.217:

- pre-employment,
- reasonable cause/suspicion,
- random,
- post-accident,

¹ Each employer is responsible for evaluating the duties of its own employees to determine if the work being performed is a safety-sensitive function listed in part 120. Refer to the FAA's Safety-Sensitive Job Categories Guidance Alert for help in making your evaluations.

- return-to-duty, and
- follow-up.

When developing your FAA-mandated drug and alcohol testing program, you must:

- Conduct a pre-employment drug test and obtain a verified negative pre-employment drug test result prior to hiring any individual or transferring an employee into a safety-sensitive function in accordance with 14 CFR § 120.109(a). Pre-employment alcohol testing is not required, however, may be implemented according to § 120.217(a).
- Check on the drug and alcohol records of employees you intend to use to perform safety-sensitive functions in accordance with 49 CFR § 40.25, or the Pilot Records Improvement Act (PRIA) Advisory Circular ([AC 120-68J](#)) if you are hiring a pilot to perform flight crewmember duties. For a sample form, visit 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 about the education and training requirements are explained in 14 CFR §§ 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/.
- Ensure your safety-sensitive employees are subject to random testing and have an equal chance of being tested each time selections are made. You must conduct annual random testing at the minimum testing rates described by the FAA Administrator in accordance with 14 CFR §§ 120.109(b) and 120.217(c). The FAA publishes the random testing rates annually on their regulations web page at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/regulations. More information regarding random testing is available in the FAA's Random Testing Guidance Alert (at https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/avs/FINAL-Guidance-Alert-on-Random-Testing.pdf) or the DOT's Best Practices for Random Testing (available on their Employer web page at <https://www.transportation.gov/odapc/employer>).

It is critical to the success of your program and aviation safety that you review both regulations in their entirety. Copies of the regulations, additional guidance materials, and many more resources are available at <http://www.faa.gov/go/drugabatement> and <https://www.transportation.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.

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/.