



A bold voice for transportation workers

January 8, 2013

The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Huerta:

We write today to urge the Federal Aviation Administration (FAA) to implement the drug and alcohol testing requirements for foreign mechanics working on U.S. commercial aircraft as mandated by the FAA Modernization and Reform Act of 2012. While we are pleased that Congress moved to address this safety issue, the new mandates will have no effect until they are formally implemented by the FAA which must, by statute, issue a proposed rule by February 14, 2013.

As you know, aircraft mechanics working in the United States either employed at air carriers or at domestic contract repair stations are currently required to undergo various drug and alcohol screening to ensure their ability to perform safety-sensitive repairs. Yet employees working at repair stations based overseas are exempt from these tests despite the fact that they work on the same U.S. aircraft and at repair stations certified by the FAA. We have long argued that the simple location of the repair station should not jeopardize the quality and safety assurances of the work being done on U.S. aircraft. It is in the best interest of U.S. aviation safety for all FAA-certified repair stations to be held to the same safety and security standards regardless of the physical location of the station. Drug and alcohol testing, as the Department of Transportation and the FAA have often noted, is a core safety requirement that should be applied universally.

It is important to note that as part of the multi-year effort to reauthorize the FAA, both the House and Senate specifically moved to close the regulatory loophole that has allowed foreign repair stations and their employees to evade this requirement. In 2007, Representative Ted Poe (R-TX) successfully offered an amendment to the then pending FAA Reauthorization bill that imposed drug and alcohol testing on foreign mechanics. Also that year, Senator Claire McCaskill (D-MO) noted at an oversight hearing on foreign aviation repair stations that “[i]f drug and alcohol testing is important in the United States of America, it should be important in every location where someone has access to the physical operation of an airplane.” Senator McCaskill later asked the Senate Commerce Committee to include in its version of the FAA bill enhancements to repair station safety including drug and alcohol testing rules.

Transportation Trades Department, AFL-CIO

815 16th Street NW / 4th Floor / Washington DC 20006

Tel:202.628.9262 / Fax:202.628.0391 / www.ttd.org

Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer



In the final bill, passed last February, House and Senate negotiators eventually agreed to include Section 308(d) “*Alcohol and Controlled Substance Testing Program Requirements.*” Section 308(d)(2) specifically directs the FAA, within one year of enactment, to issue a proposed rule “requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program...” Separately, Section 308(d)(1) directs the Secretary of Transportation and the Secretary of State to request that member countries of ICAO establish international standards for alcohol and controlled substance testing of persons that perform safety-sensitive maintenance functions on U.S. commercial aircraft.

We appreciate that the DOT included a pre-rulemaking notice in its unified agenda for 2013, and we hope that it will help move the process forward in a timely manner. Given the importance of this sorely needed change, as well as the February 14th Congressional deadline, we ask that the FAA prioritize this rulemaking and establish uniform standards for foreign and domestic workers alike.

Thank you for your consideration, and we look forward to working with you on this rule and other initiatives to improve the safety of the U.S. aviation system.

Sincerely,



Sito Pantoja
General Vice President
International Association of Machinists
and Aerospace Workers



James Little
International President
Transport Workers Union of America



Edward Wytkind
President
Transportation Trades Department, AFL-CIO