



Transportation Trades Department, AFL-CIO

April 5, 2024

The Honorable Michael Whitaker
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

RE: Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States
Docket No. FAA-2012-1058

Administrator Whitaker:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) regarding Drug and Alcohol Testing of Certificated Repair Station Employees Located Outside of the United States. By way of background, TTD consists of 37 affiliated unions that represent workers in all modes of transportation, including aviation workers represented by the Transport Workers Union of America (TWU), Air Line Pilots Association, International (ALPA), the Professional Aviation Safety Specialists (PASS), the Association of Flight Attendants-CWA (AFA-CWA) and the International Association of Machinists and Aerospace Workers (IAM).¹ TTD and our member unions have long sought to ensure that aircraft repair stations located outside the United States are held to the same safety, security and oversight rules that govern domestic stations. We therefore have a vested interest in this proposed rulemaking and appreciate the FAA's consideration of our input.

One of the most glaring and troubling loopholes in the regulation of aircraft maintenance is that workers at domestic facilities must undergo extensive drug and alcohol testing while foreign mechanics working on U.S. aircraft are exempt from this requirement. To address this core safety issue, the 2012 FAA Reauthorization bill directed the FAA, within one year, to issue a proposed rule requiring all repair station employees responsible for safety-sensitive maintenance on U.S. aircraft to be subject to an alcohol and controlled substance testing program. While the FAA issued an Advance Notice of Proposed Rulemaking (ANPRM) on drug and alcohol testing in 2014, no further action has occurred until now, a decade later.

Transportation labor has been clear and consistent for decades with our demand to apply one level of safety and security for all facilities that perform maintenance on U.S. aircraft, and we appreciate that this proposed rule begins to address this important safety issue. The scope of this rule should remain limited to mechanics and

¹ Attached is a complete list of TTD's affiliate Unions.

maintenance employees, as is currently proposed. We remind the FAA that efforts to implement or modify drug and alcohol testing requirements for other aviation employees is not an effort we support.

Waivers of Drug and Alcohol Testing

The FAA's ANPRM requested feedback on whether a subsequently proposed rule should include a provision permitting a foreign repair station to waive the drug and alcohol testing requirements if its country's laws conflict with the FAA's rulemaking. Our comments responding to the ANPRM noted that the underlying statute provides that a testing regime be "consistent with the applicable laws of the country in which the repair station is located." In our view, the waiver process included in the proposed rule is appropriately narrowly tailored.

As we stated in our previous comments, foreign repair stations that seek exemption from the FAA's regulation must not dictate which requirements apply to themselves or be the arbitrator in determining whether such requests are valid. Rather, the FAA must carefully review each request, examining the country's laws and weighing the potential costs of relaxing its important safety regulations. This will help ensure maximum compliance and the least variability to be exploited between countries where CFR part 145 facilities are located.

Program Coverage and Elements of Acceptable Drug and Alcohol Testing

We have consistently argued that the stringent testing requirements that are in place and currently applicable to domestic personnel performing safety-sensitive maintenance should be applied to those working at foreign repair stations. We appreciate that the FAA proposes to do exactly that through this NPRM.

In particular, we believe foreign maintenance personnel must be subject to pre-employment; random; post-accident; reasonable cause; and return-to-duty and follow-up drug and alcohol testing, just as domestic workers are. These tests should screen for the same substances for which domestic personnel are tested. Controlled substance and alcohol tests should be measured, evaluated and conducted in the manner prescribed in 14 CFR Part 120 and 49 CFR Part 40. Similarly, foreign workers who violate drug and/or alcohol regulations should face the same penalties and follow the same return-to-duty procedures as those applied to domestic workers.

We appreciate the FAA's efforts to improve the safety of repair work performed at foreign repair stations. We hope the FAA will take our comments into consideration, and we look forward to working with the agency in the future.

Sincerely,



Greg Regan
President