

FAA Wins Drug-Testing Suit

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U.S. aircraft maintenance companies lost a federal court appeal aimed at stopping Federal Aviation Administration-required drug testing of technicians at hundreds of subcontractors.

The U.S. Court of Appeals for the District of Columbia Circuit, ruling 2-1 on Wednesday, rejected arguments that the rule was arbitrary and improper in a lawsuit brought by the Aeronautical Repair Station Association, a trade group based in Alexandria, Va.

The Tucson area is home to several large aerospace maintenance operations, including Hamilton Aerospace Technologies Inc. and Bombardier Aerospace at Tucson International Airport and Evergreen Air Center in Marana.

A Hamilton Aerospace official said he wasn't aware of the ruling but the company already requires proof of drug-testing for technicians who perform "touch labor," or hands-on maintenance work.

"Obviously, we have our own drug-testing program, and all of our subcontractors have to show proof of participation in a FAA-approved drug-testing program," said Gordon D. Hamilton, a director of Hamilton parent Global Aircraft Solutions Inc.

The association — whose members include Boeing Co.; AAR Corp., a provider of maintenance to airlines; and United Technologies Corp.'s jet-engine maker Pratt & Whitney — said the rule would add costs of as much as \$350 a year for work-

ers who do tasks such as dry-clean seat covers.

Aircraft maintenance contractors are trying to control expenses after receiving more airline business in recent years. The percentage of U.S. airline maintenance budgets that went to contractors rose to 64 percent last year from 37 percent in 1996, Calvin Scovel, the U.S. Transportation Department's inspector general, said in congressional testimony last month.

The FAA expanded drug testing in January 2006 to include "each person who performs a safety-sensitive function," including subcontractors "at any tier."

The agency said at the time the rule was needed because it had given conflicting guidance since 1989 on when subcontractors would be subject to testing.

National Drug Testing Program is Saved

WKYT News

WASHINGTON, DC - U.S. Rep. Harold "Hal" Rogers (KY-05) has secured \$11.7 million to keep a national student drug testing initiative from getting a drastic cut that would have obliterated an essential and proven tool in the fight against drug abuse. The program is being utilized in school districts throughout the country, including eight Southern and Eastern Kentucky jurisdictions.

Administered by the U.S. Department of Education, the program awards grants to public and private schools for drug testing in grades six through twelve.

During consideration of the Fiscal Year 2008 Education Appropriations bill, Rogers offered an amendment to restore funding for the program, which had been dramatically reduced by the Democrat Chairman of the Committee. After an impassioned plea for the program, Rogers' amendment was approved unanimously.

"According to the National Institute on Drug Abuse, more than half of all high school students have used an illegal drug at least once in their young lives," said Rogers. "Student drug testing is a powerful prevention tool that gives students a credible reason to say no to drug use."

Rogers continued, "If we fail to be vigilant and proactive, we will lose these kids, only to have them reappear in our courts, jails and hospitals. I am extremely grateful the Appropriations Committee saw the light in approving this critical amendment."

Drug testing among school-age children and teenagers helps the region's primary drug abuse initiative. Operation UNITE works to rid communities of illegal drug use through undercover narcotics investigations, coordinates treatment for substance abusers, provides support to families and educates the public about the danger of using drugs.

WHO IS SUBJECT TO DOT TESTING?

Anyone designated in DOT regulations as a safety-sensitive employee is subject to DOT drug and alcohol testing. What follows is an overview of what jobs are defined as safety-sensitive functions subject to testing.

Aviation **FAA**

Flight Crews, flight attendants, flight instructors, air traffic controllers at facilities not operated by the FAA or under contract to the U.S. Military, aircraft dispatchers, ground security coordinators and aviation screeners. Direct or contract employees of 14 CFR Part 121 or 135 certificate holder, Section 135.1(c) operators and air traffic control facilities not operated by the FAA or under contract to the U.S. Military.

Commercial **Motor** **Carriers** **FMCSA**

Commercial Drivers License (CDL) holder who operate Commercial Motor Vehicles, 26,000 lbs. gvwr. or greater, or operate a vehicle that carries 16 passengers or more including the driver, or require to display a DOT placard in the transportation of hazardous material.

Maritime **USCG**

Crewmembers operating a commercial vessel. See USCG regulations at 46 CFR Parts 4 & 16.

Pipeline **PHMSA**

Operations, maintenance and emergency response. See PHMSA regulations at 49 CFR Part 199.

Railroad **FRA**

Hours of Service Act personnel, engine and train, signal service or train dispatchers. See FRA regulations at 49 CFR Part 219.

Transit **FTA**

Vehicle operators, controllers, mechanics and armed security. See FTA regulations at 49 CFR Part 655.