

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.18

National Policy

Effective Date:
9/11/07

Cancellation Date:
9/11/08

SUBJ: Recording Operations Specification A449 for Part 145 Repair Stations

1. Purpose of This Notice. This notice introduces the revised documentation process for the issuance of operations specification (OpSpec) A449, Antidrug and Alcohol Misuse Prevention Program, to Title 14 of the Code of Federal Regulations (14 CFR) part 145 repair stations. It also provides guidance for aviation safety inspectors (ASI) on the proper issuance/recording of the revised OpSpec A449.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) ASIs who issue/record revised OpSpec A449 for part 145 repair stations. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters.

3. Where You Can Find This Notice. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avr.faa.gov>. Operators may find this information on the Federal Aviation Administration's (FAA) Web site at: http://www.faa.gov/library/manuals/examiners_inspectors/8900/.

4. Background. Since 1988, 14 CFR part 121 appendices I and J have required specified aviation employers to implement drug and alcohol testing programs. Originally, a part 145 repair station submitted an Antidrug and Alcohol Misuse Prevention Program to the Drug Abatement Division for approval. In 2004, the regulations were changed to allow part 145 repair stations to obtain OpSpec A449 to certify compliance with the regulations. Upon obtaining OpSpec paragraph A449, each part 145 repair station is required to implement their testing program under these regulations. The regulations require that each 14 CFR part 119 certificate holder, with the authority to operate under 14 CFR part 121 and/or 135, or sightseeing operation defined under 14 CFR part 91, § 91.147, ensure that any individual who performs safety-sensitive functions (directly or by contract) is subject to testing under the FAA's drug and alcohol testing regulations.

a. Compliance. The operator may choose one of two ways:

(1) Include individuals performing safety-sensitive functions from a part 145 repair station under their own drug and alcohol testing program; or

(2) Ensure the part 145 repair stations include the individual performing safety-sensitive functions under their own FAA-mandated drug and alcohol testing program.

b. Proprietary Program. When a part 145 repair station chooses to implement their own drug and alcohol testing program, they may choose one of two ways:

(1) Obtain OpSpec paragraph A449 in their OpSpecs; or

(2) Register a combined drug and alcohol testing program directly with the Drug Abatement Division. Combined is described as a repair station with multiple locations or certificates.

5. Discussion.

a. Problem. Recent inquiries from the field have disclosed that OpSpec A449 used to record the Antidrug and Alcohol Misuse Prevention Program for a part 145 repair station were not properly issued. OpSpec A449s were being generated for part 145 repair stations that are included under a part 121, 121/135, 135 certificate holders, or part 91 operators conducting sightseeing operations under § 91.147. This generated a conflict with the drug and alcohol regulations.

b. Solution. The resolution of this conflict will be accomplished in two phases. Phase I will be accomplished with guidance found in this notice changing the documentation procedures to the existing OpSpec A449. Phase II will be accomplished in making the changes permanent in the new Web-based automated Operations Safety System (WEBOPSS) that is in development and slated to be implemented in early 2008.

Note: OpSpec A449 is a data collection template only.

6. Authority.

a. Principal Agency. The Drug Abatement Division, AAM-800, is the principal agency responsible for the development, implementation, administration, evaluation, and compliance monitoring of the aviation industry's Antidrug and Alcohol Misuse Prevention Programs as set forth in part 121, appendices I and J and other relevant regulations.

b. Responsibility. All oversight of the Antidrug and Alcohol Misuse Prevention guidance, inspections, and enforcement activity will be conducted exclusively by the Office of Aerospace Medicine, Drug Abatement Division, AAM-800. Any and all enforcement actions to be taken for violations of part 121, appendices I and J, and other sections of 14 CFR related to drug and alcohol testing by the aviation industry is the sole responsibility of AAM-800. Any indication of possible regulatory violations of these provisions must be referred to the AAM-800 at the following address: FAA, Office of Aviation Medicine, Drug Abatement Division, AAM-800, 800 Independence Avenue, SW., Washington, DC 20591. All questions regarding the Antidrug and Alcohol Misuse Prevention Program must also be directed to AAM-800.

7. Guidance. As identified earlier, OpSpec A449 is applicable for part 121, 121/135, 135 certificate holders, or LOA A049 for part 91 operators conducting sightseeing operations under § 91.147. OpSpec A449 is also applicable to certified part 145 repair stations maintenance facilities that perform safety-sensitive functions for the above identified operations and choose to implement their own FAA-mandated drug and alcohol testing program.

a. Responsibility. Certificate holders, program managers, or operators are responsible for providing the information required by part 121, appendices I and J to the principal inspector (PI) for the issuance of OpSpec A449 as applicable. When any changes occur, certificate holders and operators are responsible for providing Flight Standards Service with current information to update and amend OpSpec A449.

b. The following questions and answers should help:

Question	Answer	Explanation
Is a part 145 certificated repair station required to comply with FAA drug and alcohol regulations?	No	But a part 119 certificate holder, with the authority to operate under parts 121 and/or 135, or sightseeing operation defined under § 91.147, are prohibited from using any contractor or contract employee to perform safety-sensitive work, unless that individual is subject to testing under a domestic and or FAA Drug and Alcohol Program.
Should I, as a principal maintenance inspector (PMI), ensure a part 145 certificate holder is in compliance with the Drug and Alcohol Testing Program regulations?	No	Any questions that you or a company might have about program compliance or implementation by a part 145 certificate holder should be referred to the Drug Abatement Division, 202-267-8442 or at drugabatement@faa.gov .
What oversight responsibility does the principal operations inspector (POI) or PMI have regarding a certificate holder's requirement to ensure that contractors who perform safety-sensitive work are subject to the drug and alcohol testing program?	None	All Flight Standards inspectors' primary responsibilities relating to the drug and alcohol testing regulations are to issue and make changes to an employer's OpSpec A449 or to issue the letter of authorization (A049) for § 91.147. For any questions, please contact a Drug Abatement manager at 202-267-8442 or drugabatement@faa.gov .

8. Action. The PIs for a part 145 repair station using the guidance provided in this notice will reissue the A449 template no later than 3 months from the publication of this notice. In addition, issuing or reissuing can be accomplished when certificating a new part 145 repair station or when providing oversight of an existing part 145 repair stations that provides safety-sensitive functions for parts 121, 121/135, and 135 certificate holders, or part 91 operators conducting sightseeing operations under § 91.147, the PI will record or validate the location of a part 145 repair station's Antidrug and Alcohol Misuse Prevention Program records in OpSpec A449 as described below.

a. Implementation of Proprietary Program. If the part 145 repair station certificate holder has elected to implement its own Antidrug and Alcohol Misuse Prevention Program, record or validate where their Antidrug and Alcohol Misuse Prevention Program records are

maintained and available for inspection by FAA drug abatement compliance and enforcement inspectors by filling out OpSpec paragraph A449 as follows:

Table 1

Location & Telephone of Antidrug and Alcohol Misuse Prevention Program Records:	
Telephone Number:	A1 (202)-575-8732
Address:	699 Strander Dr.
Address:	N/A
City	Tukwila
State	WA
Zip code	98899

EXAMPLE: RS101 is a repair station that provides safety-sensitive functions to a major airline operating in their area. RS101 chooses to implement their own drug and alcohol testing program to cover their safety-sensitive employees. RS101 contacts their PI and requests an OpSpec paragraph A449 be included in their OpSpecs.

b. Registered Proprietary Program. If a part 145 repair station certificate holder has registered its Antidrug and Alcohol Misuse Prevention Program directly with the Drug Abatement Division of the FAA, record or validate their Antidrug and Alcohol Misuse Prevention Program records by filling out OpSpec paragraph A449 as follows:

Table 1

Location & Telephone of Antidrug and Alcohol Misuse Prevention Program Records:	
Telephone Number:	A2
Address:	
Address:	
City	
State	
Zip code	

EXAMPLE: RS102 is a corporation of repair station. They have a central location in Kansas City, as well as several outlying repair stations in Denver, Atlanta, and Miami. RS102 chooses to implement their own drug and alcohol testing program, which will include all of their locations. RS102 contacts AAM-800 to submit a contractor registration, which includes a listing of all the repair stations and locations their program will cover.

c. Included in Air Carrier’s Program. If the part 145 repair station certificate holder is included as part of the air carrier’s (parts 121, 135, or part 91, § 91.147) drug and alcohol testing program, record or validate their Antidrug and Alcohol Misuse Prevention Program records by filling out OpSpec paragraph A449 as follows:

Table 1

Location & Telephone of Antidrug and Alcohol Misuse Prevention Program Records:	
Telephone Number:	A3
Address:	
Address:	
City	
State	
Zip code	

EXAMPLE: MR Flights operates as a sightseeing employer, under § 91.147. They need maintenance performed on their aircraft, which requires them to contract with a local repair station known as RS103. MR Flights chooses to include the individuals performing this maintenance for them under their own drug and alcohol testing program. While performing maintenance for that operator, RS103 does not implement their own testing program. However, if RS103 chooses to contract themselves out to other operators, they cannot provide that work under MR Flight's program and must either be part of the other employer's program or implement their own testing program.

9. Disposition. We will permanently incorporate the information in this notice in FSIMS before this notice expires. Direct questions concerning this notice to the Repair Station Branch, AFS-340 at (202) 267-7045.

ORIGINAL SIGNED BY
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Director, Flight Standards Service