DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

Federal Highway Administration

49 CFR Part 391

Federal Railroad Administration

49 CFR Parts 217 and 219

Research and Special Programs Administration

49 CFR Part 199

Coast Guard

46 CFR Part 16

RIN 2105–AB81; 2120–AC33; 2125–AC81; 2130–AA64; 2137–AB95; 2115–AD84

Management Information System (MIS) For Workplace Drug Testing Programs

AGENCIES: Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Research and Special Programs Administration (RSPA), and United States Coast Guard (USCG), DOT.

ACTION: Final rules; common preamble.

SUMMARY: This document is a common preamble to five final rules being published by several operating administrations of the Department of Transportation (FAA, FHWA, FRA, RSPA & USCG) elsewhere in today's issue of the **Federal Register**. The Department needs employer drug testing program data in order to address policy and program issues relative to the anti-drug rules' effectiveness. The FAA, FHWA, FRA, RSPA, and USCG final rules are published elsewhere in today's **Federal Register**. These final rules require employers conducting drug testing to maintain and/or submit drug testing program data to the DOT Agency which has regulatory authority over the employer. This data will enhance the Department's ability to assess program effectiveness and compliance.

EFFECTIVE DATE: Effective generally, January 1, 1994. See separate OA's rules for specific date.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Smith, Acting Director, Office of Drug Enforcement And Program Compliance, Department of Transportation, 400 7th St. SW., room 9404, Washington, DC 20540, (202) 366–3784.

SUPPLEMENTARY INFORMATION:

Introduction

On December 15, 1992, the Department published a notice of proposed rulemaking (NPRM) to amend 49 CFR Part 40 to establish alcohol and drug testing procedures for implementing the requirements of the Omnibus Transportation Employee Testing Act of 1991. That NPRM also proposed a Management Information System (MIS) to obtain specific drug and alcohol testing program information from employers. Also on December 15, 1992, the Operating Administrations (OAs)—FAA, FHWA, FRA, RSPA, and USCG—issued NPRMs that proposed to establish the specific MIS drug testing reporting requirements for the employers they regulate. A similar MIS was proposed for transit employers in the Federal Transit Administration (FTA) drug use prevention program NPRM published that same day; that MIS requirement will be included in the FTA final rule when issued at a later date.

The Department is issuing the final rules on the drug testing MIS, with this common preamble, to implement the employer reporting requirements for calendar year 1994. The Department needs employer drug testing program data in order to address policy and program issues relative to the anti-drug rules' effectiveness. The FAA, FHWA, FRA, RSPA, and USCG final rules are published elsewhere in today's **Federal Register.**

Over 40 comments on the proposed MIS were submitted to the 49 CFR part 40 NPRM docket. The OAs received comments on their MIS NPRMs. This common preamble responds to the comments submitted to the 49 CFR part 40 NPRM docket and to several common issues raised by commenters to the OAs' NPRM dockets. In addition, on February 8, 1993, the Department published a notice in the **Federal Register** advising that it was conducting a pilot project to evaluate proposed MIS report forms and submission procedures. Forty employers volunteered to participate in the pilot project. The general findings from the pilot project are summarized in this common preamble.

The Department has decided not to amend 49 CFR part 40 by adding § 40.81, as originally proposed. The Department received some comments that indicated that there appeared to be unnecessary duplication, and, in some cases, employers would be confused about which forms to use and how to report MIS data. Instead, each OA final rule will specify the MIS reporting requirements for employers regulated by the OA. All employer MIS reports will be submitted to each OA using the MIS forms and procedures specified in the OA's rules.

Response to Comments

1. Employer report submission date

The NPRM proposed February 15 of the calendar year following the year to which the data pertain as the date for employer submission of MIS reports to the appropriate OAs.

Numerous commenters stated that due to the need to compile and consolidate data from several locations and/or company divisions during January and February, it would be difficult to meet the February 15 reporting date. They requested a range of later dates (February 28–1 April). The Department needs timely submission of this data, but would not be seriously inconvenienced by waiting another month. The OAs' final rules establish March 15 as the reporting date for employers' MIS data to accommodate employers' legitimate need for additional time.

2. Complexity of MIS

Since the Department is implementing the MIS prior to the issuance of final rules on alcohol prevention programs, alcohol testing program data elements have been removed from the MIS forms, except for the two OAs that currently have alcohol testing requirements (FRA and USCG). The Department is still considering adding alcohol testing data reporting requirements to the final alcohol testing rules required by the Omnibus Transportation Employee Testing Act of 1991. Eventually, the Department hopes to combine both drug and alcohol program data in a single MIS report form for each OA where practical.

The Department has attempted to minimize the MIS reporting burden on employers. In response to the comments and the findings from the pilot project, the Department has identified additional ways to reduce the complexity of the MIS report forms and instructions, and, therefore, the burden on employers. The critical data elements needed by the Department and its OAs have been retained, while the format, organization and some of the proposed data elements have been consolidated and simplified, resulting in shorter forms. To ease the reporting burden on employers that have no positive test results we have developed simplified "E-Z" forms.

In response to the Department's inquiry, a significant number of commenters indicated that they would

prefer (or were interested in) electronically submitting the required data to the OAs. Therefore, the Department is committed to developing and providing a system that will allow employers to submit their reports electronically. The OAs' final rules specify the electronic systems currently available for employers' reporting or plans for development of such. It's the Department's intention that all OAs will eventually provide a system for electronic reporting.

3. Methodology

Commenters generally supported the need for the Department and its OAs to acquire anti-drug program data. Some commenters suggested that there may be other, less burdensome ways to acquire the data, such as obtaining the data from OAs' audits of employers' programs. We considered this method, but the cost, both to the Federal government and the employers, and the reduced utility of such data make this infeasible. Data derived from ongoing inspections and audits would not cover common timeframes (such as a calendar year) unless collection of a previous year's data was used. For example audits conducted in 1995 would collect only 1994 data, leading to considerable time lag in evaluating program data. In addition, audit or inspection data would represent a significantly reduced sample of the industry since the audit force could not annually audit the approximately one million employers that are covered by the rules. Audit samples are often biased, because they focus on employers who have poor safety records or against whom complaints have been lodged.

The Department requested comment on the possibility of using a two-tiered system of reports. Under this methodology, some employers could have been required to report on the complete set of data elements and some on a reduced set. Only two comments specifically addressed this issue and both stated that a two-tier system would be too complex and unworkable. The Department's efforts to develop a workable two-tiered process did lead to development of the "E-Z" form described earlier, for use by employers whose drug testing programs have no positive test results.

Some commenters suggested requiring drug testing laboratories to report drug testing data to DOT and to survey some Medical Review Officers (MROs). The Department and its OAs already have access to aggregated laboratory data but it is not definitive (i.e., specific to each employer or regulated industry), and, therefore, does not meet the Department's oversight needs. Laboratory data would not be useful because it includes quality control specimen data and confirmed positive test results that have been verified negative by the MRO. In addition, the Department does not have the authority to impose or enforce a reporting requirement upon laboratories and/or MROs. Only the employer has access to the data needed to review program implementation, compliance and effectiveness.

Some commenters suggested that the "Government" should conduct the testing and compile the data. The current anti-drug rules impose the recordkeeping responsibility on the employer because the employer is required to conduct or arrange for drug testing. The employer, therefore, is the logical entity to collect and report the data. An employer-based drug testing program, in contrast to a government-operated one, reduces the intrusiveness of the Federal government in the day-to-day activities of transportation employers and employees.

Employer-based programs provide employers with the flexibility to conduct drug testing with minimal disruption to their operations. In response to the Omnibus Transportation Employee Testing Act of 1991, the FHWA is conducting a pilot project in four states in which State safety enforcement personnel conduct roadside random drug and alcohol testing of truck drivers. The testing is conducted as part of State safety inspections of the drivers and their vehicles. The FHWA will issue a report in April 1994 on the feasibility of such government-operated drug testing programs.

Several commenters recommended more frequent reporting and some recommended reporting only every 2 or 3 years. More frequent reporting would be more burdensome to employers and unnecessary for the Department's purposes. Biannual or Triannual reporting would not provide information in a timely manner and doesn't respond quickly to trends. We believe that annual reporting is workable for employers and is sufficient to show trends and program findings for the Department's program evaluation and policy development needs. Therefore, the final rules establish annual MIS reporting requirements.

4. Specific data requested

The MIS consists of a standard set of data elements the Department and its OAs need in order to review implementation, compliance and program results, with some modifications specified in the OAs' final rules to accommodate circumstances peculiar to their industries.

Some commenters recommended deleting periodic testing data since this type of testing is generally not required after the first year of testing program implementation. A large majority of employer reports would contain only zeros for periodic testing. Each OA has its own unique requirements for periodic testing. Therefore, each OA rule will specify periodic testing data requirements where necessary for monitoring compliance and enforcement of its program.

Several commenters stated that there is no need to report "Number of employees covered by more than one DOT OA." Although most employers do not employ employees who are subject to testing under two or more OA rules, many of the operational problems brought to the attention of the DOT concern "dual-covered" employees. Dual or multi-modal operational concerns are important and deserve resolution. To help accomplish this, the Department needs baseline data to identify problem areas and develop appropriate solutions; therefore, we are retaining the requirement. Generally, pre-employment, random and return-to-duty tests should be reported to the OA which regulates that function used as the basis for the safety-sensitive employee category. Post-accident tests should be reported to the OA to whom that accident is reportable. Reasonable suspicion and periodic tests should be reported to the OA based on employee function requiring the test. Most employers will simply report "zero" in items requesting data on dual-covered employees.

5. Data on Cost of the Drug Testing Program

The Department asked for comments on whether the OAs' rules should require data on the cost of implementing anti-drug programs. Most commenters did not address this issue, but of the ones that did, most supported reporting cost data. A few stated that cost data would be useless or inappropriate. Some commenters stated that it would be difficult to compile cost data and to standardize how it would be reported. Others stated that it would have utility, but that it should come from industry, consortia groups or associations, not individual employers.

While the Department believes cost data on the mandated elements of drug testing programs (specimen collection, laboratory testing, employee training, and MRO services) would be useful in assessing program effectiveness and

cost-efficiency, difficulties in standardizing how such information would be computed and interpreted, reduce its utility and increase the burden for employers. OA rules' preambles further discuss this issue. The final rules do not require cost data reporting.

6. Data on Employee Drug Abuse Prevention Training

Employee training and education are very important in substance abuse prevention programs. The Department has included MIS data elements to report employee training conducted to meet an OA's requirement or to enhance workplace anti-drug programs. Each OA anti-drug rule requires employers to provide drug awareness training or education for covered employees and specific training for supervisors who make reasonable suspicion test determinations. In general, commenters to the NPRM on this issue stated that final rules should require MIS data only for the training mandated in the OAs' rules. Each OA rule addresses the specific training data requirements applicable to its regulated employers.

Some commenters recommended deleting the data element on "actions taken in response to refusal-to-test". The reason given is that the OA rules require employers to remove from safety sensitive duties a person who refuses to take a drug test. Therefore, other employer actions (i.e., termination, suspension, transfer) would be beyond the scope of the rule. Some of the participants in the pilot test of the MIS also supported deleting this data element, citing that information on the number of refusals-to-test was sufficient. Three of the OAs have decided to drop this reporting element and monitor this area through other means. Two of the OAs (RSPA and FAA) have decided to retain the requirement to report personnel actions imposed in verified positive and refusal-to-test circumstances; the preambles to the FAA and RSPA final rules discuss this issue in detail.

7. Analysis Of Changes In The Final Rules

The following general changes from the proposed rules have been made in the OAs' final rules:

(a) In response to concerns raised by commenters, the MIS report submission date is changed from February 15 to March 15;

(b) The requirement for reporting data element (3), which proposed, in part, to require periodic testing data, may be deleted if the particular OA no longer requires periodic testing or does not require reporting of that data element.

(c) In response to comments and findings from the pilot project, the data element on actions taken in response to a refusal to submit to a drug test, has been withdrawn from some OAs' final rules. Where it has been retained, the OA preamble to its final rule discusses the issue, including justification for retaining the requirement.

(d) The OAs' rules contain the MIS forms to be used by employers subject to their rules. The forms include modifications to the instructions and the forms based on the comments and pilot project findings from employers and other respondents. OA rules will discuss requirements for employers to report data on employees that are covered by two or more OA regulations.

(e) Each OA rule except the USCG's provides a standard, simplified "E-Z" MIS report form for use by employers whose drug testing programs have no verified positive tests. The USCG's MIS form has been simplified to the point that they have determined a separate "E-Z" form is not necessary.

Taking into account these changes, as well as changes to current programs contained in the rules as proposed, the DOT operating administrations estimate a net increase of approximately 12,500 burden hours of increased recordkeeping and reporting burden as compared with comparable DOT OA information collection requirements for drug testing programs currently in place. On balance, this represents less than a 1% increase over current levels. While there is a considerable reduction in some individual OAs have made substantial efforts to minimize information collection burdens through the means discussed in this preamble and the preambles to the final rules of the individual OAs.

Regulatory Process Matters

Each of the OA MIS rule preambles separately addresses a number of administrative matters concerning compliance with administrative requirements in statutes, executive orders and Departmental policies and procedures. Readers should refer to the individual OA rules for statements specific to each rule.

Paperwork Reduction Act

The proposed information collection requirements contained in the notices of proposed rulemaking were reviewed by the Office of Management and Budget (OMB) under section 3504(H) of the Paperwork Reduction Act (44 U. S. C. 3501 *et. seq.*). Revisions of the information collection requirements contained in the final rules have been submitted to OMB for final approval. A **Federal Register** notice will be published when that approval has been obtained.

Common Preamble for the Management Information System (MIS) Final Rules.

Issued on December 13, 1993 in Washington, D.C.

Federico Peña,

Secretary of Transportation.

David R. Hinson,

Administrator, Federal Aviation Administration.

Rodney E. Slater,

Administrator, Federal Highway Administration.

S. Mark Lindsey,

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Rose A. McMurray,

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 25148]

RIN 2120–AC33

Antidrug Program for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: On November 21, 1988, the Federal Aviation Administration (FAA) issued a final rule requiring specified aviation employers to implement antidrug programs for personnel performing safety-sensitive functions. This final rule modifies that rule by changing the existing employer reporting requirements to conform to a Department of Transportation (DOT) Management Information System (MIS), to provide the FAA with additional data for use in monitoring the antidrug program, and to minimize the reports that must be submitted by small aviation entities. The DOT has published a common preamble elsewhere in today's **Federal Register**, which summarizes public comments to the DOT notice of proposed rulemaking (NPRM) which was published on December 15, 1992.

EFFECTIVE DATE: This rule is effective on January 1, 1994.

FOR FURTHER INFORMATION CONTACT: Carol Keenan, Office of Aviation Medicine, Drug Abatement Division (AAM–800), Federal Aviation Administration, 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366–6710.

SUPPLEMENTARY INFORMATION:

Background

On November, 14, 1988, the FAA issued a final antidrug rule requiring certain aviation employers and operators to develop and implement an antidrug program for employees performing specified aviation activities (53 FR 47024 November 21, 1988). The FAA has amended the final rule several times to address implementation problems and clarify the requirements of the rule.

Current regulatory provisions require employers to submit summary reports of their drug testing program to the FAA semiannually. Data has been gathered and compiled for over 3 years and, after evaluation of the data, the FAA has determined that to properly monitor the industry and ensure compliance with the final antidrug rule, additional but less frequent reporting of information is needed from fewer employers.

On December 15, 1992, the FAA issued a notice of proposed rulemaking (NPRM) (57 FR 59477) that proposed to amend the antidrug rule's reporting requirements. The NPRM responded to a DOT NPRM, published the same day, which proposed the establishment of a Departmental Management Information System (MIS) that would require employers in all segments of the transportation industry to maintain and submit standardized antidrug program information. The FAA proposed changes to the current reporting requirement to support the DOT's goal of establishing a systematic, standardized program to collect, analyze, and interpret antidrug program information.

The FAA also held a series of public hearings on the NPRM and on a related regulation also proposed on December 15, 1992. These hearings were held on February 26, 1993, in Washington, DC; on March 2, 1993, in Chicago, Illinois; and on March 5, 1993, in San Francisco, California. Each hearing was recorded by a court reporter. The transcript of each hearing and any statements or other material submitted to the hearing panel during the hearings have been placed in the public docket. This material has been reviewed and considered in the development of this final rule.

In the NPRM the FAA was considering requiring all employers to submit annual reports unless expressly authorized by the FAA not to submit a report. The FAA has since gone through two additional reporting cycles and has reconsidered its position regarding the need for all employers to submit reports each year. Rather than excuse employers from submitting reports on a case-by-case basis, the FAA has elected to amend its reporting requirements.

Based on the information provided in antidrug program plans submitted to the FAA for approval, the FAA has determined that over 90 percent of the employees affected by the antidrug rule are covered by approximately 450 companies with 50 or more covered employees. The remaining affected employees are spread among nearly 5,000 employers, with over a third of these employees working for the smallest employers (10 or fewer covered employees).

Further, the FAA has determined that the smallest employers are disproportionately represented among the several hundred companies that initially fail to submit required reports by the deadline in each reporting cycle. The workload and cost associated with preparing letters of investigation for each failure, mailing each letter by certified mail, and ensuring that appropriate action is taken in each case has posed a significant burden on both the affected employers and the FAA. The FAA has determined the majority of the nonreporting occurred due to confusion as to the obligation to report when the employers were members of a consortium or did not have any positive tests during the reporting period. A review of the burden to such small entities to prepare the reports and the relative value of the data obtained has convinced the FAA that the reporting requirement is not necessary. The FAA believes the requirement that employers maintain the testing data, coupled with the inspection of records program, provides reasonable oversight of these small employers.

Reason for Expedited Effective Date

This rule is being made effective in less than the 30 days from publication otherwise required by law. With an effective date of January 1, 1994, the FAA can ensure that information collected under this final rule for calendar year 1994 and, subsequently, that the benefits from this final rule are realized without delay. Because the first report under this rule will not be due until March 15, 1995, and most of the data must be maintained under preexisting regulatory requirements, employers subject to this rule will not be unduly burdened by an effective date of less than 30 days. The FAA has therefore determined that good cause exists under the provisions of 5 U.S.C. 533(d)(3) to warrant an expedited effective date.

Discussion of Comments

General Overview

The comment period for the NPRM closed April 14, 1993. The FAA received eight comments in response to the NPRM, and two individuals addressed the MIS during the public hearings. Four commenters were aviation associations (Air Transport Association (ATA), Allied Pilots Association, British Air Line Pilots Association (BALPA), and Regional Airline Association (RAA)), two were FAA-approved antidrug consortia, and four were small air carriers and repair facilities. The majority of comments were favorable and supported the expanded reporting format. (The BALPA comment addressed testing issues generally and did not include

substantive comments on this rulemaking.)

On February 8, 1993, the DOT, in coordination with the FAA and other operating administrations of the Department, issued a notice of pilot project (58 FR 7506) to evaluate the proposed MIS forms and submission procedures. Five aviation employers volunteered to participate in the pilot project. All five completed and submitted the forms without difficulty or significant costs. The findings from the pilot project have been considered in the development of this final rule, and a copy of the summarized findings has been placed in the docket.

Specific Issues

Reporting Period

Four commenters, including the ATA and RAA, supported the elimination of the semiannual report covering the period January 1 through June 30. No commenter opposed the change to annual reporting.

FAA Response

Less frequent reporting will relieve a significant burden on the aviation industry without reducing the ability to monitor compliance or effectively evaluate data. This final rule changes the reporting requirement to annual report submission only.

Submission Date

Two commenters recommended that the date for submitting the reports be revised. A variety of dates, ranging from January 15 to the end of the first calendar quarter (March 30), was suggested. Commenters supporting an earlier date believed it would be best to provide the FAA with results in a more timely manner. The later date was suggested by some commenters who believed it was necessary to allow sufficient time to compile data.

FAA Response

The timely submission of the data is important, but requiring a January 15 deadline does not allow sufficient time for data compilation and report preparation. Currently, the majority of the reports are received within 45 days after the end of the reporting period (i.e., February 15 or August 15). However, a number of reports are received late, most within 30 days following the due date. This final rule extends the prior due date by one month, to March 15. Extending the due date will not seriously affect the timeliness of the data and will allow employers sufficient time for report preparation and submission.

Report Format

Commenters generally supported the expanded report format, indicating that the collection of additional data would provide a more accurate picture of drug use in the aviation industry. However, some commenters, including the ATA and the RAA, pointed out that the collection of additional data would be more burdensome. Two commenters specifically opposed the proposed reporting format, stating that it was significantly more burdensome and recommended keeping the existing reporting format.

FAA Response

To reduce the reporting burden on employers who have no verified positive test results, the FAA has limited the information to be provided and has developed a simplified "short form." The short form only captures information related to the number of covered employees, number of specimens collected, number of test results reported negative by the medical review officer (MRO), number and disposition of individuals who refused to submit to drug testing, and training of employees.

The FAA has also reduced the MIS reporting burden on aviation employers in the final rule. The findings from the pilot project identified ways to reduce the complexity of the report format and instructions, thereby reducing the burden on employers. The critical data elements have been retained while the format, organization, and some of the data elements have been consolidated and simplified.

Proposed appendix K to 14 CFR part 121, Drug and Alcohol Testing Management Information System Data Collection Form, has been removed from the final rule. Instead of including the reporting form as an appendix, the FAA is requiring data to be submitted to the FAA in the form and manner prescribed by the Administrator. The current reporting formats are published in today's **Federal Register** as exhibits immediately following this rule. The FAA has determined that while the data elements are properly a matter of regulation, the format in which the data are reported should remain within the discretion of the Administrator. This will enable the FAA to make any revisions to the format that become necessary without requiring a formal rulemaking. The reporting format published with this rule contains data elements that differ slightly from the current FAA antidrug regulation but are in conformance with the nomenclature used in rulemaking initiated as a result of the Omnibus Transportation Employee Testing Act of 1991, e.g., follow-up testing. The FAA rule amendment incorporating the Act's provisions will be forthcoming, and until it is published, aviation employers are to continue to report data elements as specified in the current regulation.

The FAA will continue to require reporting on the disposition of individuals who fail or refuse to submit to a drug test required by the FAA antidrug regulations. Reporting information on the "action taken" is necessary to ensure employers take appropriate action in accordance with the antidrug regulations and their FAA-approved antidrug plans. Further, certificate action may be required to be initiated against individuals who refuse to submit to a drug test.

The FAA is retaining the requirement for employers to report data on periodic drug tests of employees required to hold part 67 medical certificates (pilots, etc.). Employers are required to conduct periodic testing during the first year of implementation of their antidrug programs and may elect to continue or cease periodic testing thereafter. Each year there are an estimated 300 new part 121 and 135 certificate holders initiating antidrug programs and conducting periodic testing. In addition, some employers have elected to continue periodic testing after the first year of antidrug program implementation. The FAA believes that receiving information on the results of such testing is valuable in obtaining a more complete picture of the prevalence of drug usage by employees who are required to hold part 67 medical certificates.

Finally, the FAA has decided to issue separate final rules on the drug and alcohol portions of the MIS. Therefore, the alcohol testing program data elements are not included in this final rule. Alcohol testing reporting requirements will be included in the final rule which will implement alcohol misuse prevention programs. Separation of these data elements should reduce the burden associated with use of a new form.

Training Data

The ATA specifically objected to the data element requiring reporting of the number of supervisors trained to make reasonable cause testing determinations. The ATA stated that this information would be more appropriately obtained during compliance audits since it does not serve a safety or administrative purpose.

FAA Response

The FAA recognizes the ATA's concern. However, the FAA is retaining the requirement to report the number of supervisors who have received initial training. Training and education are an important part of substance abuse prevention programs, and reporting the number of supervisors trained to make reasonable cause determinations is required for safety and compliance monitoring. Reporting information on initial training of supervisors will provide data on the number of newly-hired supervisors who may make determinations to test an employee based on reasonable cause. Through its compliance inspections, the FAA has determined that, although most employers provide initial training for supervisors, many fail to provide recurrent training, an integral part of an effective supervisory training program. Reporting data on recurrent training of supervisors is needed to assess the level of recurrent training and to ensure that employers continue to provide the required training.

Electronic Submission

In the NPRM, the FAA requested comment on the usefulness of transmitting employer data electronically through the Anti-Drug Information Center (ADIC). Two commenters, an FAA-approved antidrug consortium and a repair facility, recommended that electronic data submission be permitted. The ATA requested assurance that any data submitted by electronic means be securely maintained and not publicly accessible through ADIC.

FAA Response

The ADIC services were canceled effective October 1, 1993. Although the FAA has initiated the technological, legal, and policy development necessary to implement electronic data submission, such a system is currently not on line. However, once on line the system would be available for use at the option of each employer. The FAA will proceed with any rulemaking required to implement this electronic option as soon as possible.

Comments Beyond the Scope of the Rule

The ATA objected to the reporting of costs associated with implementing antidrug programs. The FAA, like the other operating administrations, does not intend at this time to require reporting of costs associated with implementing antidrug programs.

Two commenters addressed issues for amending the record retention requirements, expanding employee categories for testing, and mandatory disciplinary actions for drug abusers, clearly beyond the scope of the NPRM.

Summary of Significant Changes From the Proposed Rule

The FAA amended several elements of the proposed reporting requirements. Any significant changes to a reporting requirement have been discussed previously and are summarized in this section.

- The FAA has changed the report submission date from February 15 to March 15 to allow adequate time for completing and submitting the report.
- The FAA has removed the alcohol misuse data items from the reporting format. The alcohol misuse reporting requirements will be published with the final rule implementing alcohol misuse prevention programs.
- The FAA has developed a short form format to reduce the reporting burden for employers with no verified positive test results.
- The FAA has not included the reporting forms as part of the antidrug rule. Data is required to be submitted to the FAA in the form and manner prescribed by the Administrator, which will allow the FAA flexibility in making any necessary format changes without requiring formal rulemaking. The current format is published as an exhibit after this rule in today's **Federal Register**.

The FAA is amending its reporting requirements to decrease the number of reports required. Only certain aviation employers conducting drug testing under an FAA-approved antidrug program will be required to submit annual reports of program results to the FAA. The FAA will continue to require those air carriers held to the highest standard of safety—carriers certificated under 14 CFR part 121—to submit annual reports regardless of the size of the carrier. Similarly, the FAA will require reports from large entities because they are generally carriers with significant numbers of passengers or companies that provide safety-sensitive services by contract to part 121 air carriers. Additionally, the Administrator could direct the remaining companies performing drug testing under an FAA-approved antidrug program to prepare and submit a report for any given year upon prior written notice from the FAA. Initially, the FAA intends to survey a number of such employers on an annual basis.

Regulatory Evaluation Summary

This rule is part of a package of drug and alcohol testing rules that is a "significant rulemaking action" as defined by Executive Order 12866 (Regulatory Planning and Review). It has been reviewed under this order. The anticipated costs and benefits associated with this final rule are summarized below.

This amendment will conform the FAA's antidrug program reporting requirements to standardized reporting requirements required for each operating administration by the DOT common preamble. The purpose is to provide DOT and the FAA with critical program information in order to make necessary procedure and program evaluations. These evaluations could lead to policy changes to make the rule more effective, which would in turn enhance public safety.

The amendment will have several different effects on cost. There will be a modest increase in the recordkeeping cost for each report because aviation employers will be required to compile and submit information in greater detail than required previously. However, the elimination of a reporting requirement (semiannual report) will result in a decreased cost to the employer. Additionally, the reduction in the number of reports will reduce the costs of compliance with the antidrug rule for those small employers that no longer have to submit annual reports each year. It will also reduce the FAA's cost of administering the antidrug program. The FAA has also developed a specific format, with instructions that can be used to reduce the costs of compliance. The FAA contends that any additional cost will be offset and that overall there will be little or no additional cost as a result of this rule.

Paperwork Reduction Act

The recordkeeping and reporting requirements of the final antidrug rule, issued on November 14, 1988, were previously submitted to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1980, and assigned OMB control number 2120–0535.

Modifications to paperwork package, 2120–0535, amended to reflect the burden associated with this final rule, have been submitted to OMB for approval. The FAA estimates that the change in this amendment will relieve approximately 4,700 employers of 2.5 burden hours annually. See common preamble for status of Paperwork Reduction Act approval.

International Trade Impact Statement

This amendment will have little or no additional cost effect on aviation operations performed under the

provisions of the FAA's regulations. It will have little or no impact on trade opportunities for United States firms doing business overseas and no effect on foreign firms doing business in the United States.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small business entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities." This rule will impose little or no additional cost on aviation operators. Therefore, the FAA certifies that this amendment will not have a significant economic impact, positive or negative, on a substantial number of small entities.

Federalism Implications

The regulation herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, the FAA has determined that this regulation will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Conclusion

In this action the FAA amends the requirements imposed upon aviation employers for the maintenance and submission of specific antidrug program information. It was undertaken in response to a DOT initiative to establish a standard Management Information System (MIS) for the Department's drug-testing programs. This MIS will be the basis for monitoring antidrug rule implementation and compliance, and for evaluating the effectiveness of the FAA and the DOT antidrug programs. Pursuant to the terms of the Regulatory Flexibility Act of 1980, the FAA certifies that the provisions contained in this amendment will not have a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the amendment will not result in an annual effect on the economy of $100 million or more and will not result in a significant increase in consumer prices; thus, the proposal is not significant pursuant to the criteria of Executive Order 12866. However, because the amendment involves issues of substantial interest to the public, the FAA has determined that the amendment is significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034, February 2, 1979).

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Aircraft pilots, Airmen, Airplanes, Air transportation, Aviation safety, Drug abuse, Drugs, Narcotics, Pilots, Safety, Transportation.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends title 14, Code of Federal Regulations, part 121, appendix I, as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g).

2. Section X of appendix I to part 121 is revised to read as follows:

Appendix I to Part 121—Drug Testing Program

* * * * *

X. Reporting of antidrug program results.

A. Annual reports of antidrug program results shall be submitted to the FAA in the form and manner prescribed by the Administrator by March 15 of the succeeding calendar year for the prior calendar year (January 1 through December 31) in accordance with the provisions below.

1. Each part 121 certificate holder shall submit an annual report each year.

2. Each entity conducting an antidrug program under an FAA-approved antidrug plan, other than a part 121 certificate holder, that has 50 or more employees performing a function specified in this appendix on January 1 of any calendar year shall submit an annual report to the FAA for that calendar year.

3. The Administrator reserves the right to require that aviation employers not otherwise required to submit annual reports prepare and submit such reports to the FAA. Employers that will be required to submit annual reports under this provision will be notified in writing by the FAA.

B. Each report shall be submitted in the form and manner prescribed by the Administrator. No other form, including another DOT Operating Administration's form, is acceptable for submission to the FAA.

C. Each report shall be signed by the employer's antidrug program manager or other designated representative.

D. Each report with verified positive test results shall include all of the following informational elements:

1. Number of covered employees by employee category.

2. Number of covered employees affected by the antidrug rule of another operating administration identified and reported by number and employee category.

3. Number of specimens collected by type of test and employee category.

4. Number of positive test results verified by a Medical Review Officer (MRO) by type of test, type of drug, and employee category.

5. Number of negative tests reported by an MRO by type of test and employee category.

6. Number of persons denied a position as a covered employee based on a verified positive preemployment drug test reported by an MRO.

7. Action taken following a verified positive test result(s), by type of action.

8. Number of employees returned to duty during the reporting period after having failed or refused to submit to a drug test required under the FAA rule.

9. Number of employees by employee category with tests verified positive for multiple drugs by an MRO.

10. Number of employees who refused to submit to a drug test and the action taken in response to the refusal(s).

11. Number of covered employees who have received required initial training.

12. Number of supervisory personnel who have received required initial training.

13. Number of supervisors who have received required recurrent training.

E. Each report with only negative test results shall include all of the following informational elements. (This report may only be submitted by employers with no verified positive test results during the reporting year.)

1. Number of covered employees by employee category.

2. Number of covered employees affected by the antidrug rule of another operating administration identified and reported by number and employee category.

3. Number of specimens collected by type of test and employee category.

4. Number of negative tests reported by an MRO by type of test and employee category.

5. Number of employees who refused to submit to a drug test and the action taken in response to the refusal(s).

6. Number of employees returned to duty during the reporting period after having failed or refused to submit to a drug test required under the FAA rule.

7. Number of covered employees who have received required initial training.

8. Number of supervisory personnel who have received required initial training.

9. Number of supervisors who have received required recurrent training.

F. An FAA-approved consortium may prepare reports on behalf of individual aviation employers for purposes of compliance with this reporting requirement. However, the aviation employer shall sign and submit such a report and shall remain responsible for ensuring the accuracy and timeliness of each report prepared on its behalf by a consortium.

Issued on December 13, 1993, in Washington, DC.

David R. Hinson,

Administration.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix—Information Systems Data Collection Forms

BILLING CODE 4910-13-U

DRUG TESTING MANAGEMENT INFORMATION SYSTEM (MIS) DATA COLLECTION FORM

INSTRUCTIONS

The following instructions are to be used as a guide for completing the Federal Aviation Administration (FAA) and the U.S. Department of Transportation (DOT) **Drug Testing MIS Data Collection Form.** These instructions outline and explain the information requested and indicate the probable sources for this information. A sample testing results table with a narrative explanation is provided on pages iii-v as an example to facilitate the process of completing the form correctly.

This reporting form includes five sections. These sections address the data elements required in the FAA and the DOT drug testing regulations. The five sections, the page number for the instructions, and the page location on the reporting form are:

Section	Instructions Page	Reporting Form Page
A. AVIATION EMPLOYER INFORMATION	i	1
B. COVERED EMPLOYEES	i-ii	1
C. DRUG TESTING INFORMATION	ii-v	2-4
D. OTHER DRUG TESTING/PROGRAM INFORMATION	v	5
E. DRUG TRAINING/EDUCATION	vi	5

Page 1 **AVIATION EMPLOYER INFORMATION** (Section A) requires the company name for which the report is done and a current address. Below the company names, list any other names the company uses ("Doing Business As") and the company's FAA Antidrug Plan Identification Number. Provide the FAA Operating Certificate Number(s) held by the company. Below this, a signature and date are required certifying the correctness and completeness of the information provided on the form, and a current telephone number (including the area code). Finally, list the name, address, and telephone number for any other aviation companies covered under the report, attaching additional sheets, if necessary.

Page 1 **COVERED EMPLOYEES** (Section B) requires a count for each employee category that must be tested under the FAA/DOT regulations. For the FAA, the covered employee categories are: "Flight Crewmember" which includes pilots, flight engineers, and navigators; "Flight Attendant"; "Flight/Ground Instructor"; "Aircraft Dispatcher"; "Flight Test"; "Maintenance"; "Security/Screener"; and "Air Traffic Controller." The most likely source for this information is the employer's personnel department. These counts should be based on the company records for the reported year. The **TOTAL** is a count of **all** covered employees for **all** categories combined, i.e., the sum of the columns.

Additional information must be completed if your company employs personnel who perform duties covered by the drug rules of more than one DOT operating administration. **NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION**, requires that you identify the number of employees in each employee category under the appropriate additional operating administration(s).

Section C is used to summarize the drug testing results for applicants and covered employees. There are seven categories of testing to be completed. The first part of the table is where you enter the data on pre-employment testing. The following six parts are for entering drug testing data on periodic, random, post-accident, reasonable suspicion/cause, return to duty and follow-up testing, respectively. Items necessary to complete these tables include:

1) the number of specimens collected in each employee category;
2) the number of specimens tested which were verified negative and verified positive for any drug(s); and
3) individual counts of those specimens which were verified positive for each of the five drugs.

Do not include results of quality control (QC) samples submitted to the testing laboratory in any of the tables.

A sample table with detailed instructions is provided for the first part, **PRE-EMPLOYMENT** testing information. The format and explanations used for the sample apply to all seven parts of the table in Section C.

Information on actions taken with those persons testing positive is also required. Specific instructions for providing this latter information are given after the instructions for completing the table in Section C.

Page 2

DRUG TESTING INFORMATION (Section C) requires information for drug testing by category of testing. All numbers entered into the pre-employment category section of the table should be separated into the category of employment for which the applicant was applying. The other categories are for employee testing and require information for company employees in covered positions only. Each part of this table must be completed for each category of testing. These categories include: (1) periodic (2) random, (3) post-accident, (4) reasonable suspicion/cause, (5) return to duty, and (6) follow-up testing. These numbers do not include refusals for testing. A sample section of the table with example numbers is presented on page iv.

Three types of information are necessary to complete the left side of this table. The first blank column with the heading "**NUMBER OF SPECIMENS COLLECTED**," requires a count for all collected specimens by employee category. It should not include refusals to test. The second blank column with the heading "**NUMBER OF SPECIMENS VERIFIED NEGATIVE**," requires a count for all completed tests by employee category that were verified negative by your Medical Review Officer (MRO).

The third blank column with the heading "NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS," refers to the number of specimens provided by job applicants or employees that were verified positive. "Verified positive" means the results were verified by your MRO.

The right hand portion of this table, with the heading "NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG," requires counts of positive tests for each of the five drugs for which tests were done, i.e., marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines. The number of specimens positive for each drug should be entered in the appropriate column for that drug type. Again, "verified positive" refers to test results verified by your MRO.

If an applicant or employee tested positive for more than one drug; for example, both marijuana and cocaine, that person's positive results would be included once in each of the appropriate columns (marijuana and cocaine).

Each column in the table should be added and the answer entered in the row marked "TOTAL".

A sample table is provided on page iv with example numbers.

Page 2

Below the part of the table containing pre-employment testing information is a box with the heading "Number of persons denied a position as a covered employee following a verified positive drug test". This is simply a count of those persons who were not placed in a covered position because they tested positive for one or more drugs.

SAMPLE APPLICANT TEST RESULTS TABLE

The following example is for Section C, DRUG TESTING INFORMATION, which summarizes pre-employment testing results. The procedures detailed here also apply to the other categories of testing in Section C which require you to summarize testing results for employees. This example uses the categories "Flight Crewmember" and "Flight Attendant" to illustrate the procedures for completing the form.

A

Urine specimens were collected for 157 job applicants for flight crew positions during the reporting year. This information is entered in the first blank column of the table in the row marked "Flight Crewmember".

B

The Medical Review Officer (MRO) for your company reported that 153 of those 157 specimens from applicants for flight crew positions were negative (i.e., no drugs were detected). Enter this information in the second blank column of the table in the row marked "Flight Crewmember".

C

The MRO for your company reported that 4 of those 157 specimens from applicants for flight crew positions were positive (i.e., a drug or drugs were

detected). Enter this information in the third blank column of the table in the row marked "Flight Crewmember".

D

With the 4 specimens that tested positive, the following drugs were detected:

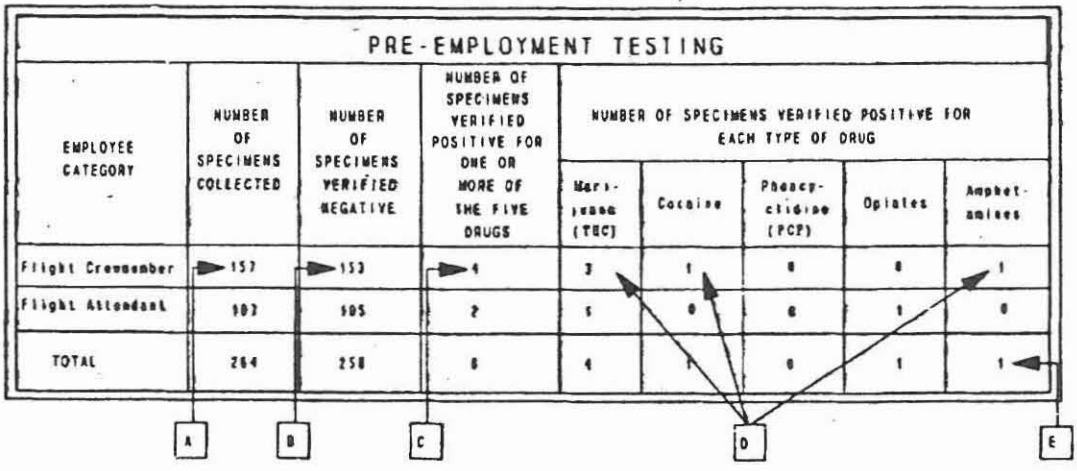
Specimen	Drugs
#1	Marijuana
#2	Amphetamines
#3	Marijuana and Cocaine (Multi-drug specimen)
#4	Marijuana

Marijuana was detected in three (3) specimens, cocaine in one (1), and amphetamines in one (1). This information is entered in the columns on the right hand side of the table under each of these drugs. Two different drugs were detected in specimen #3 (multi-drug) so an entry is made in both the marijuana and the cocaine column for this specimen. Information on multi-drug specimens must also be entered in Section D, OTHER DRUG TESTING/PROGRAM INFORMATION, on page 5 of the reporting form.

Please note that the sample data collection form also has information for flight attendants on line two. The same procedures outlined for flight crewmembers should be followed for entering the data on flight attendants. With applicants for flight attendant positions, 107 specimens were collected resulting in 105 verified negatives and 2 verified positives -- 1 for marijuana and 1 for opiates. This information is entered in the row marked "Flight Attendant".

E

The last row, marked "TOTAL", requires you to add the numbers in each of the columns. With this example, 157 specimens from applicants for flight crew positions were collected and 107 for applicants for flight attendant positions. The total for that column would be 264 (i.e., 157+107). The same procedure should be used for each column, i.e., add all the numbers in that column and place the answer in the last row.



Note that adding up the numbers for each type of drug in a row ("NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG") will not always match the number entered in the third column, "NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS". The total for the numbers on the right hand side of the table may differ from the number of specimens testing positive since some specimens may contain more than one drug.

Remember that the same procedures indicated above are to be used for completing all of the categories for testing in Section C.

Page 4 — Following the table that summarizes **DRUG TESTING INFORMATION**, you must provide a count of the number of employees returned to duty during this reporting period after having failed or refused a drug test required under the FAA rule. This information should be available from the personnel office and/or drug program manager.

Page 4 — Next you must provide information on **ACTIONS TAKEN ON VERIFIED POSITIVE TEST RESULTS**. Indicate the number of employees subjected to the following actions:

- **No longer employed with company** - include covered employees who resigned or were terminated as the result of a positive drug test.
- **Reassigned to non-covered functions** - include covered employees who were reassigned within the company to a non-covered position as the result of a positive drug test.
- **Entered rehabilitation, if applicable, and/or returned to covered functions** - include covered employees who are undergoing or have completed a rehabilitation program and/or covered employees who have returned to a covered function.
- **Other** - include covered employees who did not fall under one of the previous options and specify the action taken.

Indicate the sum of the actions taken on the line marked **TOTAL**.

Page 5 — **OTHER DRUG TESTING/PROGRAM INFORMATION** (Section D) requires that you complete a table dealing with specimens positive for more than one drug and a table dealing with employees who refused to submit to a drug test.

Page 5 — **SPECIMENS VERIFIED POSITIVE FOR MORE THAN ONE DRUG** requires information on specimens that contained more than one drug. Indicate the **EMPLOYEE CATEGORY** and the **NUMBER OF VERIFIED POSITIVES**. Then specify the combination of drugs reported as positive by placing the number in the appropriate columns. For example, if marijuana and cocaine were detected in 3 flight crewmember specimens, then you would write "Flight Crewmember" as the employee category, "3" as the number of verified positives, and "3" in the columns for "Marijuana" and "Cocaine". If marijuana and opiates were detected

in 2 flight crewmember specimens, then you would write "Flight Crewmember" as the employee category, "2" as the number of verified positives, and "2" in the columns for "Marijuana" and "Opiates".

Page 5 - **EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST** requires information on the **NUMBER OF COVERED EMPLOYEES** who refused to submit to a random or other (pre-employment, periodic, post-accident, reasonable suspicion/cause, return to duty, or follow-up) drug test required under the FAA regulation and the actions taken following the refusal.

Page 5 **DRUG TRAINING** (Section E) requires information on the number of covered employees and supervisory personnel who have received the required drug training during the current reporting period.

FAA DRUG TESTING MIS DATA COLLECTION FORM OMB No. 2120-0535

YEAR COVERED BY THIS REPORT: 19__

A. AVIATION EMPLOYER INFORMATION

Company Name	Antidrug Plan No. FAA Certificate No.	
Street Address/P.O. Box		
City	State	Zip Code

Other Part 121 and/or Part 135 certificate holders included in this report. (Attach additional sheets if necessary.)

Company Name	Telephone No. ( )	
Street Address/P.O. Box		
City	State	Zip Code

I, the undersigned, certify that the information provided on this Federal Aviation Administration Drug Testing Management Information System Data Collection Form is, to the best of my knowledge and belief, true, correct, and complete for the period stated.

_____ Signature

_____ Date

_____ Title

(___) _____ Telephone Number

Title 18, U.S.C. Section 1001, makes it a criminal offense subject to a maximum fine of $10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

The Federal Aviation Administration estimates that the average burden for this report form is 2.5 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: FAA Drug Abatement Division (AAM-800); U.S. Department of Transportation; 400 7th St., S.W.; Washington, D.C. 20590; OR Office of Management and Budget, Paperwork Reduction Project (2120-0535); Washington, D.C. 20503.

B. COVERED EMPLOYEES

COVERED EMPLOYEES						
EMPLOYEE CATEGORY	NUMBER OF FAA COVERED EMPLOYEES	NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION				
		FHWA	FRA	FTA	RSPA	USCG
Flight Crewmember						
Flight Attendant						
Flight/Ground Instructor						
Aircraft Dispatcher						
Flight Test						
Maintenance						
Security/Screener						
Air Traffic Controller						
TOTAL						

READ BEFORE COMPLETING THE REMAINDER OF THIS FORM:

1. All items refer to the current reporting period only (for example, January 1, 1994 - December 31, 1994).
2. This report is only for testing REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) AND THE U.S. DEPARTMENT OF TRANSPORTATION (DOT):
   - Results should be reported only for employees in COVERED POSITIONS as defined by the FAA drug testing regulations.
   - The information requested should only include testing for marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines using the standard procedures required by DOT regulation 49 CFR Part 40.
3. Information on refusals for testing should only be reported in Section D ["OTHER DRUG TESTING/PROGRAM INFORMATION"]. Do not include refusals for testing in other sections of this report.
4. Do not include the results of any quality control (QC) samples submitted to the testing laboratory in any of the tables.
5. Complete all items; DO NOT LEAVE ANY ITEM BLANK. If the value for an item is zero (0), place a zero (0) on the form.

This part of the form requires information on VERIFIED POSITIVE and VERIFIED NEGATIVE drug tests. These are the results that are reported to you by your Medical Review Officer (MRO).

C. DRUG TESTING INFORMATION

EMPLOYEE CATEGORY	NUMBER OF SPECIMENS COLLECTED	NUMBER OF SPECIMENS VERIFIED NEGATIVE	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG				
				Marijuana (THC)	Cocaine	Phencyclidine (PCP)	Opiates	Amphetamines
PRE-EMPLOYMENT								
Flight Crewmember								
Flight Attendant								
Flight/Ground Instructor								
Aircraft Dispatcher								
Flight Test								
Maintenance								
Security/Screener								
Air Traffic Controller								
Total								
PERIODIC								
Flight Crewmember								
Flight/Ground Instructor								
Flight Test								
Air Traffic Controller								

Number of persons denied a position as a covered employee following a verified positive drug test:	

C. DRUG TESTING INFORMATION (cont.)

EMPLOYEE CATEGORY	NUMBER OF SPECIMENS COLLECTED	NUMBER OF SPECIMENS VERIFIED NEGATIVE	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG				
				Marijuana (THC)	Cocaine	Phencyclidine (PCP)	Opiates	Amphetamines
RANDOM								
Flight Crewmember								
Flight Attendant								
Flight/Ground Instructor								
Aircraft Dispatcher								
Flight Test								
Maintenance								
Security/Screener								
Air Traffic Controller								
Total								
POST-ACCIDENT								
Flight Crewmember								
Flight Attendant								
Flight/Ground Instructor								
Aircraft Dispatcher								
Flight Test								
Maintenance								
Security/Screener								
Air Traffic Controller								
Total								
REASONABLE SUSPICION/CAUSE								
Flight Crewmember								
Flight Attendant								
Flight/Ground Instructor								
Aircraft Dispatcher								
Flight Test								
Maintenance								
Security/Screener								
Air Traffic Controller								
Total								

C. DRUG TESTING INFORMATION (cont.)

EMPLOYEE CATEGORY	NUMBER OF SPECIMENS COLLECTED	NUMBER OF SPECIMENS VERIFIED NEGATIVE	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG				
				Marijuana (THC)	Cocaine	Phencyclidine (PCP)	Opiates	Amphetamines
RETURN TO DUTY								
Flight Crewmember								
Flight Attendant								
Flight/Ground Instructor								
Aircraft Dispatcher								
Flight Test								
Maintenance								
Security/Screener								
Air Traffic Controller								
Total								
FOLLOW-UP								
Flight Crewmember								
Flight Attendant								
Flight/Ground Instructor								
Aircraft Dispatcher								
Flight Test								
Maintenance								
Security/Screener								
Air Traffic Controller								
Total								

Number of employees returned to duty during this reporting period after having failed or refused a drug test required under the FAA rule:	

ACTIONS TAKEN ON VERIFIED POSITIVE DRUG TEST RESULTS	Number
No longer employed with company:	
Reassigned to non-covered functions:	
Entered rehabilitation, if applicable, and/or returned to covered functions:	
Other (specify):	
TOTAL	

D. OTHER DRUG TESTING/PROGRAM INFORMATION

SPECIMENS VERIFIED POSITIVE FOR MORE THAN ONE DRUG						
EMPLOYEE CATEGORY	NUMBER OF VERIFIED POSITIVES	Marijuana (THC)	Cocaine	Phency-clidine (PCP)	Opiates	Amphet-amines

EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST	NUMBER OF REFUSALS	
	RANDOM TESTS	OTHER TESTS
Number of covered employees who refused to submit to a drug test required under the FAA rule:		
ACTION TAKEN	NUMBER	
No longer employed with company:		
Reassigned to non-covered functions:		
Entered rehabilitation, if applicable, and/or returned to covered functions:		
Other (specify):		

E. DRUG TRAINING

DRUG TRAINING DURING CURRENT REPORTING PERIOD	Number
Covered employees who have received *initial* training on the consequences, manifestations, and behavioral cues of drug use as required by FAA drug testing regulations:	
Supervisory personnel who have received *initial* training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug use as required by FAA drug testing regulations:	
Supervisory personnel who have received *recurrent* training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug use:	

DRUG TESTING MANAGEMENT INFORMATION SYSTEM (MIS) "EZ" DATA COLLECTION FORM

INSTRUCTIONS

The following instructions are to be used as a guide for completing the Federal Aviation Administration (FAA) and the U.S. Department of Transportation (DOT) **Drug Testing MIS "EZ" Data Collection Form.** This form should only be used if there are **no positive tests** to be reported by your company. These instructions outline and explain the information requested and indicate the probable sources for this information. This reporting form includes four sections. These sections address the data elements required in the FAA/DOT drug testing regulations.

SECTION A - AVIATION EMPLOYER INFORMATION requires the company name for which the report is done, a current address, the company's FAA Antidrug Plan Identification Number, and the FAA Operating Certificate Number(s) held by the company. Below the company name, list the name, address, and telephone number for any other aviation companies covered under the report, attaching additional sheets, if necessary. Finally, a signature and date are required certifying the correctness and completeness of the information provided on the form, and a current telephone number (including the area code).

SECTION B - COVERED EMPLOYEES requires a count for each employee category that must be tested under the FAA/DOT regulations. For the FAA, the covered employee categories are: "Flight Crewmember" which includes pilots, flight engineers, and navigators; "Flight Attendant"; "Flight/Ground Instructor"; "Aircraft Dispatcher"; "Flight Test"; "Maintenance"; "Security/Screener"; and "Air Traffic Controller." The most likely source for this information is the employer's personnel department. These counts should be based on the company records for the reported year. The **TOTAL** is a count of **all** covered employees for **all** categories combined, i.e., the sum of the columns.

Additional information must be completed if your company employs personnel who perform duties covered by the drug rules of more than one DOT operating administration. **NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION,** requires that you identify the number of employees in each employee category under the appropriate additional operating administration(s).

SECTION C - DRUG TESTING INFORMATION requires information on the drug tests conducted by your company. The first table requests information on the **NUMBER OF SPECIMENS COLLECTED AND VERIFIED NEGATIVE** in each category for testing. All numbers entered into the pre-employment category section of the table should be separated into the category of employment for which the applicant was applying. The other categories are for employee testing and require information for company employees in **covered positions** only. Each part of this table must be completed for each category of testing including: (1) periodic, (2) random, (3) post-accident, (4) reasonable suspicion/cause, (5) return to duty, and (6) follow-up testing. These numbers **do not** include refusals for testing. **"COLL"** requires the number of specimens collected in each employee category for each category of testing. **"NEG"** requires a count for all completed tests by employee category that were verified negative by your Medical Review Officer (MRO). Do <u>not</u> include results of quality control (QC) samples submitted to the testing laboratory

in any of the categories. Each column in the table should be added and the answer entered in the row marked "TOTAL".

Following the table that summarizes **DRUG TESTING INFORMATION**, you must provide a count of the number of employees returned to duty during this reporting period after having failed or refused a drug test required under the FAA rule. This information should be available from the personnel office and/or drug program manager.

EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST requires information on the **NUMBER OF COVERED EMPLOYEES** who refused to submit to a **random** or **other** (pre-employment, periodic, post-accident, reasonable suspicion/cause, return to duty, or follow-up) drug test required under the FAA regulation and the action taken following the refusal. Indicate the number of employees subjected to the following actions:

- **No longer employed with company** - include covered employees who resigned or were terminated as the result of a refusal to submit to a drug test.
- **Reassigned to non-covered functions** - include covered employees who were reassigned within the company to a non-covered position as the result of a refusal to submit to a drug test.
- **Entered rehabilitation, if applicable, and/or returned to covered functions** -include covered employees who are undergoing or have completed a rehabilitation program and/or covered employees who have returned to a covered function.
- **Other** - include covered employees who did not fall under one of the previous options and specify the actions takens.

SECTION D - DRUG TRAINING requires information on the number of covered employees and supervisory personnel who have received the required drug training during the current reporting period.

FAA DRUG TESTING MIS EZ DATA COLLECTION FORM

OMB No. 2120-0535

YEAR COVERED BY THIS REPORT: 19__

A. AVIATION EMPLOYER INFORMATION

Company Name	Antidrug Plan No. FAA Certificate No.	
Street Address/P.O. Box		
City	State	Zip Code

Other Part 121 and/or Part 135 certificate holders included in this report. (Attach additional sheets if necessary.)

Company Name	Telephone No. ( )	
Street Address/P.O. Box		
City	State	Zip Code

I, the undersigned, certify that the information provided on this Federal Aviation Administration Drug Testing Management Information System EZ Data Collection Form is, to the best of my knowledge and belief, true, correct, and complete for the period stated.

Signature _____ Date _____

Title _____ Telephone Number _____

Title 18, U.S.C. Section 1001, makes it a criminal offense subject to a maximum fine of $10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

The Federal Aviation Administration estimates that the average burden for this report form is 1 hour. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: FAA Drug Abatement Division (AAM-800); U.S. Department of Transportation; 400 7th St., S.W.; Washington, D.C. 20590; OR Office of Management and Budget, Paperwork Reduction Project (2120-0535); Washington, D.C. 20503.

B. COVERED EMPLOYEES

COVERED EMPLOYEES						
EMPLOYEE CATEGORY	NUMBER OF FAA COVERED EMPLOYEES	NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION				
		FHWA	FRA	FTA	RSPA	USCG
Flight Crewmember						
Flight Attendant						
Flight/Ground Instructor						
Aircraft Dispatcher						
Flight Test						
Maintenance						
Security/Screener						
Air Traffic Controller						
TOTAL						

C. DRUG TESTING INFORMATION

NUMBER OF SPECIMENS COLLECTED AND VERIFIED NEGATIVE														
EMPLOYEE CATEGORY	PRE-EMPLOYMENT		RANDOM		PERIODIC		POST-ACCIDENT		REASONABLE SUSPICION/ CAUSE		RETURN TO DUTY		FOLLOW-UP	
	COLL	NEG	COLL	NEG	COLL	NEG	COLL	NEG	COLL	NEG	COLL	NEG	COLL	NEG
Flight Crewmember														
Flight Attendant														
Flight/Ground Instructor														
Aircraft Dispatcher														
Flight Test														
Maintenance														
Security/Screener														
Air Traffic Controller														
Total														

Number of employees returned to duty during this reporting period after having failed or refused a drug test required under the FAA rule:	

EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST	NUMBER OF REFUSALS	
	RANDOM TESTS	OTHER TESTS
Number of covered employees who refused to submit to a drug test required under the FAA rule:		
ACTION TAKEN	**NUMBER**	
No longer employed with company:		
Reassigned to non-covered functions:		
Entered rehabilitation, if applicable, and/or returned to covered functions:		
Other (specify):		

D. DRUG TRAINING

DRUG TRAINING DURING CURRENT REPORTING PERIOD	Number
Covered employees who have received *initial* training on the consequences, manifestations, and behavioral cues of drug use as required by FAA drug testing regulations:	
Supervisory personnel who have received *initial* training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug use as required by FAA drug testing regulations:	
Supervisory personnel who have received *recurrent* training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug use:	

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