AIR LINE PILOTS ASSOCIATION, INTERNATIONAL
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May 29, 2002

VIA ELECTRONIC FILING

Docket Management System
U.S. Department of Transportation
Room Plaza 401, 400 7th Street, S.W.
Washington, D.C. 20590-0001

Re: Docket No. FAA-2002-11301
Notice No. 02-04
RIN 2120-AH14

Dear Sir or Madam:

These Comments are submitted in response to the above-captioned Notice of Proposed Rulemaking ("NPRM") on behalf of the Air Line Pilots Association ("ALPA"), the principal union representing the nation's commercial pilots. ALPA represents more than 62,000 pilots at 42 airlines in the United States and Canada.

While ALPA firmly opposes all forms of drug and alcohol abuse by aviation personnel, especially pilots, we remain convinced that the best way to prevent, identify and eradicate any pilot substance abuse is through specifically tailored peer-intervention and treatment programs, such as the highly successful Human Intervention and Motivation Study ("HIMS"). We continue to believe that mandatory, random testing is a misguided approach and a gross misuse of resources. However, we do not oppose testing in carefully limited circumstances, such as post-accident and reasonable-suspicion tests.

The NPRM seeks to add language that would require an employee to cease performing any safety sensitive duties upon notice to submit to a random drug or alcohol test. We suggest deleting this new proposed language, and replacing it with the requirement that the employee report for the drug or alcohol test as soon as is practicable after notification of the test.

Many airlines use ACARS -- the Aircraft Communications Addressing and Reporting System -- to notify pilots flying an aircraft of their obligation to report for a random drug and/or alcohol test upon landing. It is quite common for pilots to use the lavatory on board the airplane upon completion of their flight and before leaving the aircraft. By using on-board notification to crewmembers of their obligation to submit to

urine testing upon landing, the crewmembers are able to defer emptying their bladders and avoid subsequent problems with producing the requisite urine specimen. Such notification and testing has been working well for employees and air carriers.

The new proposed language would prevent the continued use of this means of notification, as it would require the pilots to cease operating the aircraft after notification of testing. Of course, an employee's selection for a random test does not show or suggest any wrongdoing or lack of fitness on that person's behalf. Accordingly, there is no reason to preclude a pilot from completing an assigned flight segment and then reporting for the test as soon as practicable.

Very truly yours,

Suzanne L. Kalfus
Senior Attorney, Legal Department