

174136



May 17, 2002

Docket Management System
Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Docket Number FAA-2002-11301 -13

DEPT. OF TRANSPORTATION
DOCKETS
02 MAY 29 PM 2:49

Dear Ladies and Gentlemen:

We are writing in opposition to the Notice of Proposed Rulemaking (NPRM) filed in the above docket because it would require non-certificated maintenance subcontractors to be covered under an FAA anti-drug and alcohol misuse prevention program (drug and alcohol program). The NPRM would cover all employees who perform maintenance in the United States on equipment operated by U.S. air carriers.

Our company is a non-certificated maintenance subcontractor that supports the aviation industry. Specifically, we perform electro-plating for repair stations certificated under Part 145 of the Federal Aviation Regulations (FAR).

Approximately 20% of our company's business is related to aviation. A significant portion of our business is in the manufacturing industries. However, because we cross-utilize our employees, all would have to be covered under Part 121, Appendix I and J because they could be called upon to work on equipment operated by a U.S. air carrier.

Our customers, the certificated repair stations, take airworthiness responsibility for the work we perform under section 145.47 of the FAR. This will continue to be the case under the new Part 145, effective April 6, 2003. It seems incongruous to us that the FAA would allow us to perform a subcontracted maintenance function without a repair station certificate while at the same time requiring us to subject our employees to a drug and alcohol testing program.

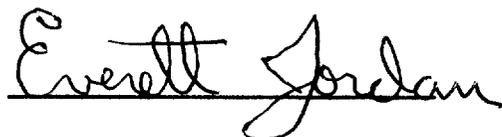
The NPRM did not identify the safety-related basis for this change of FAA policy. Have there been accidents or incidents, malfunctions, defects or other quality escapes that resulted from drug and alcohol use by employees of non-certificated maintenance providers? It was our understanding that the safety issues were adequately addressed by ensuring that only those who take airworthiness responsibility under Parts 43 and 145 were covered by a drug and alcohol program.

We believe that the NPRM, if adopted, will drive many companies away from supporting the aviation industry. We will not take on the additional burdens of setting up our own drug and alcohol program (and the infrastructure it entails) nor is it practical to include our employees in the programs of our customers. We simply do not perform enough aviation work to subject ourselves to FAA regulation. Indeed, if the FAA adopts the rule as it is written, we will refuse to continue our relationship with our certificated repair station customers.

For those companies that choose to do so, they would need to pass the costs of establishing and maintaining a drug and alcohol program on to all their customers, aviation and non-aviation related alike. These customers would, in turn, will pass it on to their customers, again, most of whom are not even in aviation. Additionally, we would be taking on employee-employer relationship problems that heretofore we have not had to anticipate. Many of our employees believe that drug testing is an invasion of privacy and since they are not in the aviation industry will find it difficult to understand why they are subject to such a burden. All of this will result in increased costs, without any apparent safety benefits to the aviation industry, not to mention the majority of my customers who are not required to have such programs and do not want to share the burden of maintaining one.

For these reasons, we believe the FAA should reaffirm its previous policy that non-certificated maintenance subcontractors are not subject to the FAA's drug and alcohol rules. Thank you for providing this opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Everett Jordan". The signature is written in black ink and is positioned above a horizontal line.

President, Everett Jordan,
Ace Metal finishing of Okla, Inc.