

## Supporting Statement for Paperwork Reduction Act Submissions

### **Pilots Convicted of Alcohol or Drug Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedures (14 Code of Federal Regulations (CFR) Parts 61 and 67) OMB #2120-0543**

#### **A. Justification**

- 1. Explain the circumstances that make the collection of information necessary identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

49 U.S.C. Section 44701 establishes that the Administrator of the Federal Aviation Administration (FAA) is empowered to prescribe and periodically revise rules and regulations, minimum standards, methods, and procedures as necessary to ensure aviation safety.

49 U.S.C. Section 44703 authorizes the Administrator to issue airman certificates to those applicants who, upon investigation, are found qualified and physically able to perform in the capacity which the holder is authorized to perform. To ensure safety in air commerce, the Administrator is authorized to determine the terms, conditions, and minimum standards necessarily met before issuance is appropriate.

The FAA has implemented many regulations addressing alcohol and drug abuse by certificated airmen. As reflected in medical standards contained in Part 67, the FAA retains a clear interest in ensuring that airmen are not troubled by alcoholism or drug dependency. Notwithstanding, information collected by the FAA shows that 8.0 percent of the general aviation pilots killed in aircraft accidents from 1987 to 1992 had a blood alcohol level equal to or above 0.04 percent.

For historical purposes, in 1987, the Department of Transportation (DOT) Office of the Inspector General (OIG) engaged in an audit of the FAA's medical certificate program. The OIG compared the FAA medical file with the alcohol and drug related offenses within a certain state. This comparison reflected that 1,584 pilots (3.4 percent) within the state had at least one driving while intoxicated (DWI) or driving under the influence (DUI) conviction. Of these pilots, 1,124 (71 percent) failed to report these convictions to the FAA as required by existing regulations.

The OIG compared the FAA's medical file with the National Driver Register (NDR) for persons whose driver's licenses had been suspended or revoked as a consequence of alcohol or drug related traffic offenses. This comparison revealed that approximately 10,300 airmen (1.45 percent) had their driver's licenses suspended or revoked within the past 7 years. Of these pilots, 7850 (76 percent) failed to report this information, as required, on their applications for medical certificate. This demonstrated lack of compliance with the existing reporting requirements is central to the promulgation of these regulations.

Most recently Johns Hopkins University released the results of a study titled "Driving-while-intoxicated history as a risk marker for general aviation pilots." The abstract is as follows:

*The study examined the association between DWI history and crash risk in a cohort of 335,672 general aviation pilots. These pilots were followed from 1994 to 2000 through the aviation crash surveillance system of the National Transportation Safety Board. At baseline, 3.4% of the pilots had a DWI history and this history was associated with a 43% increased risk of crash involvement.*

Based on the above data, the FAA may reasonably assert that a pilot with multiple alcohol or drug related motor vehicle convictions may reveal a disregard for laws and regulations which is incompatible with pilot certification. Additionally, pilots convicted of alcohol or drug related offenses present an increased safety risk and may not meet the medical standards contained in the Federal Aviation Regulations (FAR). Pursuant to the FAA's statutory authority noted above, the FAA considers that information related to any such conviction is necessary to properly determine the suitability of an individual applying for an airman medical certificate.

**2. Indicate how, by whom, and for what purpose the information is to be used.  
Except for a new collection, indicate the actual use the FAA has made of the information received from the current collection.**

The subject amendments to Parts 61 and 67 of the FAR implement procedures which further enhance the safety of aviation commerce by identifying (i) those persons who may prove unsuitable for airman certification as indicated by an inability or unwillingness to comply with general safety regulations and, (ii) those persons who have failed to report violations of general safety regulations in concert with established FAA requirements.

In part, the amendment to 14 CFR Part 61 provides the FAA with the means to identify those persons whose traffic records show that they may prove unsuitable for airman certification. The amendment requires airmen to report to the FAA, within 60 days, all alcohol or drug related convictions or administrative actions. A pilot is required to provide, in writing, the following information: name, address, date of birth, pilot certificate number, the type of violation which resulted in the conviction or administrative action, and the state which holds the records or action.

The FAA has the ability to locate and secure a copy of the record and obtain sufficient information upon which an appropriate decision regarding a possible certificate action may be based.

The amendment to Part 67 aids the FAA in identifying those persons who have failed to report violations of general safety regulations as required by the FARs. Applicants for airman medical certificates are required to list any convictions, including alcohol or drug related convictions.

This information assists the FAA in determining whether an applicant meets the minimum standards for a medical certificate as prescribed by the Administrator. As noted above, compliance with these reporting requirements generally is suspect. Congress has given the FAA a tool with which information provided by applicants for medical certificates may be verified. The amendments to the NDR Act of 1982 (P.L. 100-224) provides the FAA with the authority to receive information from the NDR if an applicant for airman medical certificate so consents. To implement the authority granted by Congress this rule adds an express consent provision to the medical certification regulations found in Part 67 which has been incorporated into the application for medical certification (FAA Form 8500-8).

The burden imposed on the public by adhering to this rule is negligible. A consent provision that authorizes the FAA to receive NDR information will be provided by the applicant for a medical certificate as part of the application process. The NDR information is then used as a pointer for the investigators to obtain the state driving records to determine compliance with parts 61 and 67.

- 3. Describe whether, and to what extent the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The information requested is of the type which is routinely provided to the FAA through the application process for airman medical certification. Pursuant to Part 61, pilots are required to provide, in writing, information pertaining to the alcohol or drug related motor vehicle conviction or administrative action. We have recently modified our webpage to include a fillable electronic form which can be downloaded and printed; however, due to signature requirements, at this time information may only be submitted by letter or facsimile.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

We have reviewed our categories of information and records and find no duplication other than the written notification which is also included in the airman application for a medical certificate. However the Part 61 written notification requires a 60-day response time which is not required by the Part 67 medical application.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The collection of information at issue imposes no burden on small businesses or similar entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Pilots shall be required to submit the information at issue only upon (i) conviction or administrative action for an alcohol or drug related offense, or (ii) application for medical certification. Since this is a safety issue, timeliness is of paramount importance and medical applications may require in excess of two years providing the same information. The timely written submission provides for an immediate suitability evaluation as authorized by Part 61 and enables the effective implementation of the enforcement provisions provided for in Part 61. To collect this information less frequently would inhibit the prompt enforcement of existing safety regulations. The FAA firmly believes that it is obligated to remove persons who pose a threat to the national airspace system as swiftly as possible.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d)(2)**

There are no special circumstances requiring the collection of information to be conducted in a manner inconsistent with 5 CFR 1320.5(d)(2).

**8. Describe efforts to consult with persons outside the FAA to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and the data elements to be recorded, disclosed, or reported.**

A 60-day notice for public comments was published in the Federal Register on October 31, 2008, vol. 73, no. 212, pages 65005-65006. No comments were received. A copy is attached for your convenience.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No consideration has been made to provide any remuneration or the payment of money or gifts for any respondent and none is contemplated at this time.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency.**

The information collected from respondents will be included in the Privacy Act System of Records, FAA/DOT 847, "General Air Transportation Records on Individuals," and handled accordingly.

**11. Provide additional justification for any questions of sensitive nature.**

It may be argued that alcohol or drug related problems are of the type possibly considered sensitive; however, the FAA firmly believes that any personal interest in such information is manifestly outweighed by the public interest in ensuring aviation safety.

**12. Provide estimates of the hour burden of the collection of information.**

Part 61 requires airmen to notify the FAA of any conviction or administrative action resulting from any alcohol or drug related motor vehicle offense within 60 days. The FAA expects approximately 1113 pilots to report annually. We estimate that it will take approximately 10 minutes for the airmen to collect and document this portion of Part 61 requirements for an annual total of 185 hours. Costs to the airmen will vary from zero to approximately \$6.00 depending on the method of transmission (fax, regular mail or certified mail); we estimate the average annual cost to be \$3,339.00.<sup>1</sup>

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.**

There are no additional costs not already included in question 12.

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<sup>1</sup>Annual number of notification letters x \$3.00.

**14. Provide estimates of annualized cost to the Federal government.**

The cost to respondents is approximately \$192,165<sup>2</sup> which is based on an average of 21<sup>3</sup> airmen weekly who provide detailed DUI/DWI information to FAA. Eighteen of the 21 Part 61 letters of notification are within 60 days of reportable motor vehicle action. The remaining 3 weekly responses are the average number of airmen who submitted notification letters outside the 60-day requirement per 14 CFR 61.15(e) and an investigation is initiated.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.**

Analysis of our DUI/DWI database confirms an average of 1113 notification letters on an annual basis for the past three years. This increase since our 2005 report may be related to the initiation of our outreach program in which we are trying to educate the aviation community about the reporting requirements.

**16. For collections of information whose results will be published, outline plans for tabulation and publication.**

The FAA does not anticipate that the collected information at issue will be published for statistical use.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

An exemption is not being requested.

**18. Explain each exception to the certification statement in Item 19.**

There are no exceptions to the certification statement.

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<sup>2</sup> Cost = Total # of Notification Letters ÷ 2 per hour = 557 hours to process x investigators combined hourly rate (345.00).

<sup>3</sup> Annual reports (1113) ÷ number of weeks in a year.