

## Supporting Statement A

### Anti-Drug Program for Personnel Engaged in Specific Aviation Activities<sup>1</sup> OMB Control 2120-0535

#### Program Changes and Adjustments

- We continue to require all aviation companies to complete and submit a Management Information System (MIS) report to the FAA, which allows the Drug Abatement Division to base estimations on actual data provided by the industry. Any adjustments made under items 12, 13 and 14 were based on wage differences.
- The name of our Information Collection Request changed from Anti-Drug Program for Personnel Engaged in Specific Aviation Activities to Drug and Alcohol Testing Program for Personnel Engaged in Specified Aviation Activities.
- The Drug Abatement Division removed the item 'Post-Accident 2-Hr and 8-Hr Alcohol Limit No Test Documentation' from the previously approved Supporting Statement under item #12. The FAA does not collect data to reflect when tests are not conducted.
- The Drug Abatement Division removed the item 'Permanent Disqualification' from the previously approved Supporting Statement under item #12. The FAA does not collect data to reflect when a safety-sensitive employee is permanently disqualified.
- The Drug Abatement Division made a significant change to the voluntary disclosures Information Collection. Based on the time it takes the DER to identify the noncompliance, investigate the matter and collect the supporting evidence, establish and document the comprehensive fix, notify the Drug Abatement Division and provide any follow-up information, the Drug Abatement Division determined it would take the DER up to 40.0 hours. This is a significant change from the previous estimate of 9.0 hours based on the DER's necessity to determine the root cause of the noncompliance, conduct a risk analysis and provide sufficient corrective action as part of the FAA's oversight and compliance program. The Drug Abatement Division compared its own experience of investigating a noncompliance issue and determined a 40.0 hour estimate is more accurate.

#### **1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The FAA mandates specified aviation entities<sup>2</sup> to conduct drug and alcohol testing under

<sup>1</sup> The name of the Information Collection Request will change to reflect the current regulation and program title, Drug and Alcohol Testing Program for Personnel Engaged in Specified Aviation Activities.

<sup>2</sup> The regulations are applicable to entities listed under 14 CFR § 120.1, which include part 121 or 135 air operators, air tour operators as defined in 14 CFR § 91.147, non-FAA or Military Air Traffic Control Facilities, contractors or repair stations certificated under 14 CFR part 145 that elect to conduct their own testing.

its Drug and Alcohol Testing Program regulation, (14 CFR Part 121, Appendices I and J<sup>3</sup>), 49 USC 31306 (Alcohol and controlled substances testing), and the Omnibus Transportation Employee Testing Act of 1991 (the Act).

This collection of information supports the DOT and FAA strategic goals for safety.

**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 agency has made of the information received from the current collection.**

Part 119 certificate holders with the authority to operate under part 121 and 135, air tour operators as defined in 14 CFR § 91.147, non-FAA or Military Air Traffic Control Facilities, contractors or repair stations under 14 CFR part 145 that conduct drug and alcohol testing programs are mandated to report information to this collection. The FAA uses this information for determining program compliance or non-compliance of regulated aviation employers, oversight planning, determining who must provide a mandatory annual MIS testing information, and communicating with entities subject to the program regulations. In addition, the information is used to ensure that appropriate action is taken in regard to crewmembers and other safety-sensitive employees who have tested positive for drugs or alcohol, or have refused to submit to testing. The collection includes reporting, recordkeeping, and disclosure information. Using the information reported on the annual MIS allows the FAA Administrator to determine the random testing rates for the following year, which is published in the Federal Register.

**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.**

Since 2004, the Drug Abatement Division required part 119 certificate holders with the authority to operate under part 121 and 135 and part 145 repair stations that opt to conduct their own drug and alcohol testing programs to certify their compliance by obtaining an antidrug and alcohol misuse prevention program paragraph (A449) in FAA's Operations Specifications System (OPSS). Companies that possess the capability of transmitting information securely can make and amend these entries electronically. Others may mail, email or fax the information to be input by the FAA. In 2004, the DOT and FAA allowed electronic reporting of annual MIS data using the Drug and Alcohol Management Information System (DAMIS). Therefore, in reference to the Government Paperwork Reduction Act requirements, and as explained in the following paragraph, most submissions may be made electronically.

Line 13.b.1. of the Paperwork Reduction Act Submission form, i.e., "Percentage of these responses collected electronically" refers to responses required in the form of

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<sup>3</sup> In 2009, the drug and alcohol provisions referenced were recodified without substantive change in 14 CFR part 120.

reports to the FAA, i.e., items 2, 10, 11, 12 and 13 on the attached table -- of these responses 80% are submitted to the FAA electronically. The remaining Paperwork Burden responses consist of recordkeeping and may be accomplished in any form (electronic or otherwise) that the respondents choose. We estimate that a similar percentage of these responses, i.e., 80%, are maintained electronically as well.

**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.**

No similar information exists.

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

Starting in 2004, the Drug Abatement Division reduced the paperwork burden on small businesses by simplifying the data requirements for certifying compliance by allowing electronic submission of their certification for compliance in OPSS and MIS reporting in DAMIS.

**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.**

The data required for program certification or registration is provided upon startup by each regulated company and then amended only when significant program changes occur or after three years; whichever comes first. If we were unable to update company information, we would not be able to stay current with the status of companies we regulate. Furthermore, if we did not receive reports of positive drug or alcohol tests or refusals by airmen, we would not be able to take enforcement action regarding the qualification to hold the certificates, resulting in a serious detriment to public safety.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner that conflicts with the guidelines.**

There are no special circumstances and the information required is not in conflict with these guidelines.

**8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping,**

**disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The FAA published a 60-day Federal Register Notice on May 19, 2020 (85FR30000), requesting public comments about our intention to seek Office of Management and Budget (OMB) approval of our current information collection. No comments were received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are provided to respondents.

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

The drug and alcohol testing programs are replete with confidentiality protections for safety-sensitive workers who are tested, at every stage of testing, from random selection for testing through collection and processing of urine specimens or breath samples, to handling, communication, and storage of the results. These protections are specified throughout the pertinent testing regulations, which are 49 CFR part 40 and 14 CFR part 120. Enforcement of these protections is a major responsibility both of the FAA Drug Abatement Division and the Department of Transportation's Office of Drug and Alcohol Policy and Compliance.

As explained above, the statutory authority for these assurances of confidentiality is contained in the FAA's authority to issue rules regarding aviation safety (Title 49 USC). Subtitle VII, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Section 45102, charges the FAA with prescribing regulations to establish programs for drug and alcohol testing of employees performing safety-sensitive functions for air carriers.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of a sensitive nature.

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

May 11, 2020				
<b>Estimates Of The Hour Burden Of The Collection Of Information:</b>				
<b>FAA Drug and Alcohol Testing Programs</b>				
<b>Current OMB Inventory (2120-0535)</b>				
<b>PRA Task Item</b>	<b>Total Burden Hours</b>	<b># of Hours per response</b>	<b>Responses per year (Times Performed)</b>	<b>\$ Burden</b>
Promulgate Policy	6,592	16.00	412	166,975
Registration (new or amended)	900	1.00	900	\$22,797
Supervisory Drug And Alcohol Training Documentation	1,675	0.25	6,700	\$42,428
Employee Training Documentation	31,321	0.25	125,282	\$793,348
Reasonable Cause/Suspicion Documentation For Drugs And Alcohol	1,030	2.00	515	\$26,090
Post-Accident Determination Documentation	1,668	2.00	834	\$42,250
Voluntary Disclosures	7,720	40.00	193	\$195,548
Emergency Maintenance Reports	20	1.25	16	\$507
Scientifically Valid Random Testing Process	26,800	1.00	26,800	\$678,844
Medical Review Officer (MRO) Contract Record Keeping Provision	103	0.25	412	\$2,609
Refusal To Take Drug Test Report To FAA	23	0.60	39	\$583
Positive Drug Test Report To FAA	46	1.04	48	\$1,165
Refusal To Take Alcohol Test Report To FAA	4	0.50	8	\$101
Positive Alcohol Test Report To FAA	37	1.54	24	\$937
Substance Abuse Professional (SAP) Return To Duty Letter for Part 67 Medical Certificate Holders	42	0.50	21	\$1,064
Total: Current OMB Inventory (2120-0535)	77,981	68.18	162,204	\$1,975,246
<b>Changes And Adjustments</b>				
1) Wage Adjustments for the Designated Employer Representative are \$25.33, based on the most current information.				
2) The Drug Abatement Division removed the item 'Post-Accident 2-Hr and 8-Hr Alcohol Limit No Test Documentation' from the previously approved Supporting Statement under item #12. The FAA does not collect data to reflect when tests are not conducted.				
3) The Drug Abatement Division removed the item 'Permanent Disqualification' from the previously approved Supporting Statement under item #12. The FAA does not collect data to reflect when a safety-sensitive employee is permanently disqualified.				
NOTE: Figures Rounded To Nearest Whole Number				
NOTE: All items required by the DOT, such as completing CCFs, ATFs, MIS reports, are reported by DOT and are not included in this report				

### Promulgate Policy

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>		412	
<b># of Responses per respondent</b>		1	
<b>Time per Response</b>		16.0 hours	
<b>Total # of responses</b>		412	
<b>Total burden (hours)</b>		6,592	

Explanation: Each respondent must promulgate a policy on the misuse of alcohol and drug use in the workplace. The policy must include the elements identified under 14 CFR §§ 120.115(a) (2) and 120.223(a). The Designated Employer Representative (DER) must develop the policy during the start of operations and provide written notice to each safety-sensitive employee. To calculate the number of respondents that were required to promulgate a new policy, the Drug Abatement Division compared the 2018

MIS reporting with the 2019 MIS reporting to find the number of new operators. Based on the time it takes the DER for each respondent to develop a policy, the Drug Abatement Division determined it would take the DER 16.0 hours.

**Registration (new or amended)**

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	900		
<b># of Responses per respondent</b>	1		
<b>Time per Response</b>	1.00 hour		
<b>Total # of responses</b>	900		
<b>Total burden (hours)</b>	900		

Explanation: Each respondent that conducts testing must register the Drug and Alcohol Testing Program and update the information as changes occur. To calculate the number of respondents, the Drug Abatement Division used the number of new and amended registrations processed during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER for each respondent to prepare the information and notify the Drug Abatement Division, it was estimated it would take the DER 1.0 hour.

**Supervisory Drug and Alcohol Training Documentation**

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>		6,700	
<b># of Responses per respondent</b>		1	
<b>Time per Response</b>		0.25 hours	
<b>Total # of responses</b>		6,700	
<b>Total burden (hours)</b>		1,675	

Explanation: Each respondent must conduct initial supervisory training for drug and alcohol, and recurrent supervisory training for drug testing. The respondent must document training provided to supervisors and maintain the information for a period of 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of active programs between March 31, 2019 and March 31, 2020. Based on the time it takes the DER for each respondent to collect the information and maintain it, the Drug Abatement Division determined it would take the DER 0.25 hours of time.

### Employee Training Documentation

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>		125,282	
<b># of Responses per respondent</b>		1	
<b>Time per Response</b>		0.25 hours	
<b>Total # of responses</b>		125,282	
<b>Total burden (hours)</b>		31,321	

Explanation: Each respondent must conduct initial drug and alcohol training for each new safety-sensitive employee. Documentation of the alcohol misuse training must be maintained by the DER for a period of 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of negative pre-employment drug tests reported in the 2019 MIS reporting data to determine that each respondent that was hired for or transferred into a safety-sensitive position and provided initial training from January 1, 2019 and December 31, 2019. Based on the time it takes the DER to document the initial training and maintain the records for each new hire, the Drug Abatement Division determined it would take the DER 0.25 hours.

### Reasonable Cause/Suspicion Documentation for Drugs and Alcohol

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>		515	
<b># of Responses per respondent</b>		1	

<b>Time per Response</b>		2.00 hours	
<b>Total # of responses</b>		515	
<b>Total burden (hours)</b>		1,030	

Explanation: Each respondent must ensure that the trained supervisor that determines reasonable cause/suspicion testing documents the observations and determination. The DER must maintain the documentation for a period of 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of reasonable cause/suspicion tests reported in the 2019 MIS reporting data to determine how many times a DER obtained the information from a supervisor and maintained it from January 1, 2019 through December 31, 2019. Based on the time it takes the DER to obtain the documentation from the supervisor and maintain the records, the Drug Abatement Division determined it would take the DER 2.0 hours of time.

### Post-Accident Determination Documentation

Summary (Annual numbers)	Reporting	Recordkeepin g	Disclosure
<b># of Respondents</b>		834	
<b># of Responses per respondent</b>		1	
<b>Time per Response</b>		2.00 hours	
<b>Total # of responses</b>		834	
<b>Total burden (hours)</b>		1,668	

Explanation: Each respondent must document decisions on post-accident testing and maintain them for 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of post-accident tests reported in the 2019 MIS reporting data to determine how many times a DER collected and maintained documentation between January 1, 2019 and December 31, 2019. Based on the time it takes the DER to obtain the documentation and maintain the records, the Drug Abatement Division determined it would take the DER 2.0 hours.

### Voluntary Disclosures

Summary (Annual numbers)	Reporting	Recordkeepin	Disclosure



		<b>g</b>	
<b># of Respondents</b>			193
<b># of Responses per respondent</b>			1
<b>Time per Response</b>			40.0 hours
<b>Total # of responses</b>			193
<b>Total burden (hours)</b>			7,720

Explanation: Any respondent may submit a voluntary disclosure (in accordance with Advisory Circular 120-117) to report any noncompliance issue it discovers. To calculate the number of respondents, the Drug Abatement Division used the number of disclosures reported during the period March 31, 2019 to March 31, 2020. Based on the time it takes the DER to identify the noncompliance, investigate the matter and collect the supporting evidence, establish and document the comprehensive fix, notify the Drug Abatement Division and provide any follow-up information, the Drug Abatement Division determined it would take the DER up to 40.0 hours. This is a significant change from the previous estimate of 9.0 hours based on the DER's necessity to determine the root cause of the noncompliance, conduct a risk analysis and provide sufficient corrective action as part of the FAA's oversight and compliance program. The Drug Abatement Division compared its own experience of investigating a noncompliance issue and determined a 40.0 hour estimate is more accurate.

### Emergency Maintenance Reports

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	16	16	
<b># of Responses per respondent</b>	1	1	
<b>Time per Response</b>	1.00 hour	0.25 hours	
<b>Total # of responses</b>	16	16	
<b>Total burden (hours)</b>	16	4	

Explanation: Each respondent that conducts on-demand operations and requires emergency maintenance must provide written notification to the Drug Abatement Division and retain copies for 2 years. To calculate the number of respondents, the Drug Abatement Division used the number of emergency maintenance reports

submitted during the period of March 31, 2019 through March 31, 2020. Based on the time it takes an employer to collect and report the emergency maintenance information, the Drug Abatement Division estimated it would take the DER 1.0 hour. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours.

### Scientifically Valid Random Testing Process

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>		6,700	
<b># of Responses per respondent</b>		4	
<b>Time per Response</b>		1.00 hour	
<b>Total # of responses</b>		26,800	
<b>Total burden (hours)</b>		26,800	

Explanation: Each respondent must conduct a random selection using a scientifically valid process throughout the calendar year and maintain each selection list for 2 years. It is common for a respondent to conduct quarterly random selections. To calculate the number of respondents, the Drug Abatement Division used the total number of active programs for January 1, 2019 through December 31, 2019. Based on the time it takes to conduct the random selection and maintain the selection list, the Drug Abatement Division estimated it would take the DER 1.0 hour for each selection.

### Medical Review Officer (MRO) Contract Record Keeping Provision

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>		412	
<b># of Responses per respondent</b>		1	
<b>Time per Response</b>		0.25 hours	
<b>Total # of responses</b>		412	
<b>Total burden (hours)</b>		103	

**Explanation:** Each respondent must document a written contract with the Medical Review Officer (MRO), directly or through a consortium/third party administrator, that ensures the MRO understands his or her responsibilities for recordkeeping under 14 CFR part 120 and 49 CFR part 40. To calculate the number of respondents, the Drug Abatement Division used the number of new operators by comparing the 2018 MIS reporting with the 2019 MIS reporting. Based on the time it takes the DER to document a contract with the MRO, the Drug Abatement Division estimated a burden of 0.25 hours.

### Refusal to Take Drug Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	39	39	14
<b># of Responses per respondent</b>	1	1	1
<b>Time per Response</b>	0.25 hours	0.25 hours	0.25 hours
<b>Total # of responses</b>	39	39	14
<b>Total burden (hours)</b>	10	10	4

**Explanation:** The DER must report any individual that holds a part 61, 63, or 65 FAA certificate and refused to submit to drug testing and maintain the record for 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of reports of part 61, 63, and 65 airman that refused to submit to drug testing during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours.

FAA guidance indicates that some DERs may voluntarily report non-certificated refusal cases to the Drug Abatement Division. To calculate the number of respondents under this type of disclosure, the Drug Abatement Division used the number of voluntary reports of a refusal to submit to drug testing during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and voluntarily submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours.

### Positive Drug Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	46	46	99
<b># of Responses per respondent</b>	1	1	1
<b>Time per Response</b>	0.25 hours	0.25 hours	0.25 hours
<b>Total # of responses</b>	46	46	99
<b>Total burden (hours)</b>	12	12	25

Explanation: The DER must report any individual that holds a part 67 medical certificate and tests positive on a drug test and maintain the record for 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of positive drug test results for a part 67 that were reported to the Drug Abatement Division during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours.

FAA guidance indicates that some DERs may voluntarily report non-part 67 medically certificated drug test positive reports to the Drug Abatement Division. To calculate the number of respondents under this type of disclosure, the Drug Abatement Division used the number of voluntary reports of a positive test for all non-part 67 medically certificated employees during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and voluntarily submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours.

#### Refusal to Take Alcohol Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	8	8	
<b># of Responses per respondent</b>	1	1	
<b>Time per Response</b>	0.25 hours	0.25 hours	
<b>Total # of responses</b>	8	8	
<b>Total burden (hours)</b>	2	2	

**Explanation:** Each respondent must report any individual that holds a part 61, 63, or 65 FAA certificate and refused to submit to alcohol testing and maintain the record for 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of reports of a refusal to submit to alcohol testing during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours.

### Positive Alcohol Test Report to FAA

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	24	24	99
<b># of Responses per respondent</b>	1	1	1
<b>Time per Response</b>	0.25 hours	0.25 hours	0.25 hours
<b>Total # of responses</b>	24	24	99
<b>Total burden (hours)</b>	6	6	25

**Explanation:** Each respondent must report any individual that holds a part 67 medical certificate and engaged in alcohol use that violated the alcohol misuse prohibitions listed in 14 CFR §§ 120.19 and 120.37 and maintain the record for 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of alcohol violations for a part 67 certificate holder that were reported to the Drug Abatement Division during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours.

FAA guidance indicates that some DERs may voluntarily report non-part 67 medically certificated alcohol violator reports to the Drug Abatement Division. To calculate the number of respondents under this type of disclosure, the Drug Abatement Division used the number of voluntary reports of an alcohol violation for all non-part 67 medically certificated employees during the period of March 31, 2019 through March 31, 2020. Based on the time it takes a DER to prepare a report and voluntarily submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours.



**Substance Abuse Professional (SAP) Return-to-Duty Letter for Part 67 Medical Certificate Holders**

Summary (Annual numbers)	Reporting	Recordkeeping	Disclosure
<b># of Respondents</b>	42	42	
<b># of Responses per respondent</b>	1	1	
<b>Time per Response</b>	0.25 hours	0.25 hours	
<b>Total # of responses</b>	42	42	
<b>Total burden (hours)</b>	11	11	

Explanation: Each respondent must send the SAP reports to the Drug Abatement Division for any individual originally reported for a positive drug test result, refusal to submit to testing or alcohol violation and successfully completed the education and treatment. The SAP cannot recommend return-to-duty without obtaining a new certificate dated after the violation that was reported. The employer must maintain the records sent to the FAA for a period of 5 years. To calculate the number of respondents, the Drug Abatement Division used the number of return-to-duty drug and alcohol tests reported in the MIS reports for January 1, 2019 through December 31, 2019 for flight crewmember employees only. Based on the time it takes a DER to prepare a report and submit it to the Drug Abatement Division, it was determined it would take the DER 0.25 hours. To maintain the record, the Drug Abatement Division estimated it would take the DER 0.25 hours.

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

All of the costs are accounted for in Question #12.

**14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The following information will document the different tasks and costs associated with processing intake of registration applications, correcting drug and alcohol paragraphs under the OPSS, processing and managing the MIS reporting, and processing reports of violations by the industry.

## Registration and OPSS Tracking

During March 31, 2019 and March 31, 2020, the following expenses applied to the Drug Abatement Division personnel who processed registration applications/amendments and corrected drug and alcohol paragraph issues:

Task	Number of Events	Number of Hours per Event	Hourly rate	Total Cost
Process intake of Registration applications	900	2	\$45.80	<b>\$82,440</b>
Correcting drug and alcohol paragraph (A449/A049)	250	2	\$66.05	<b>\$33,025</b>
<b>Total:</b>				<b>\$115,465</b>

Explanation: Upon receipt of a registration application or amendment, a junior program analyst in the Drug Abatement Division conducts a review to determine if the information is sufficient. Each registration is entered into the Drug Abatement Division's Compliance and Enforcement Tracking Subsystem (CETS) and given a specific control number. The junior program analyst prepares and sends the final correspondence to the respondent. The entire process takes approximately two hours for each respondent.

A senior program analyst in the Drug Abatement Division addresses issues or concerns related to respondents with an FAA operating certificate and drug and alcohol paragraph (A449/A049) in the Operations Specifications (OPSS). These matters are more complex and require coordination with multiple stakeholders, and it takes approximately two hours for each respondent.

The junior program analyst's salary used to calculate this is equivalent to a GS-12 Salary (GS-12, Step 9 hourly wage) for a wage of \$39.14 per hour<sup>4</sup>. With overhead costs of 17 percent added<sup>5</sup>, the total salary is \$45.80 per hour.

<sup>4</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf), GS-12, Step 9.

<sup>5</sup> Source: Cody Rice, U.S. Environmental Protection Agency, "Wage Rates for Economic Analyses of the Toxics Release Inventory" (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.



The senior program analyst’s salary used to calculate this is equivalent to a GS-14 Salary (GS-14, Step 10 hourly wage) for a wage of \$56.45 per hour<sup>6</sup>. With overhead costs of 17 percent added<sup>7</sup>, the total salary is \$66.05 per hour.

### Annual MIS Report Tracking & Analysis

The following are costs associated with the Drug Abatement Division and contractor processing the MIS reports for January 1, 2019 through December 31, 2019:

Task	Number of Events	Number of Hours per Event	Hourly rate	Total Cost
MIS contract expenses with DOT Vendor, VOLPE, for DAMIS support.	N/A	N/A	N/A	<b>\$12,909</b>
MIS Preparation	1	40	\$56.45	<b>\$2,258</b>
MIS Analysis & Tracking	1005	0.50	\$56.45	<b>\$28,366</b>
MIS Data Entry	1340	0.25	\$56.45	<b>\$18,911</b>
<b>Total:</b>				<b>\$62,444</b>

Explanation: To prepare for the annual MIS reporting each year, the Drug Abatement Division works with the contractor to prepare the final list of all active companies.

A senior program analyst in the Drug Abatement Division finalizes the list and provides the notification letter for the contractor, and works with accounting to finalize the annual contract for approval. Once the steps are completed, the contractor sends out the notification to the respondents.

The senior program analyst’s salary used to calculate this is equivalent to a GS-14 Salary (GS-14, Step 10 hourly wage) for a wage of \$56.45 per hour<sup>8</sup>. With overhead costs of 17 percent added<sup>9</sup>, the total salary is \$66.05 per hour.

<sup>6</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf), GS-14, Step 10.

<sup>7</sup> Source: Cody Rice, U.S. Environmental Protection Agency, “Wage Rates for Economic Analyses of the Toxics Release Inventory” (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

<sup>8</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf), GS-14, Step 10.

<sup>9</sup> Source: Cody Rice, U.S. Environmental Protection Agency, “Wage Rates for Economic Analyses of the Toxics Release Inventory” (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

After January 1, the reporting starts and the Drug Abatement Division’s senior program analyst provides access information, guidance on MIS reporting and tracks responses to ensure the information is reported. Communication with respondents happens on a daily basis and requires an average of 30 minutes for each respondent.

While most respondents submit their data electronically via DAMIS, about 20% still submit a paper copy via email or fax or United States Postal Service. The Drug Abatement Division’s senior program analyst enters the data directly into DAMIS. Each report takes approximately 15 minutes to enter.

### **Processing Violation & Refusal Reports**

The following are costs associated with the Drug Abatement Division processing reports of part 67 violations, refusals, and other non-certificated reporting between March 31, 2019 and March 31, 2020:

<b>Task</b>	<b>Number of Events</b>	<b>Number of Hours per Event</b>	<b>Hourly rate</b>	<b>Total Cost</b>
Processing required reports of drug and alcohol testing violations for part 67 medical certificate holders	70	1	\$37.36	<b>\$2,615</b>
Processing voluntary reports of drug and alcohol testing violations for all other types of safety-sensitive employees	112	1	\$37.36	<b>\$4,184</b>
Processing required reports of drug and alcohol refusals by part 61, 63, 65 certificate holders	47	1	\$37.36	<b>\$1,756</b>
Processing voluntary reports	14	1	\$37.36	<b>\$523</b>

of drug and alcohol refusals by all other types of safety-sensitive employees				
<b>Total</b>				<b>\$9,078</b>

Explanation: Upon receipt of a required or voluntary report, a junior compliance investigator in the Drug Abatement Division conducts a review to determine if the information is sufficient and verifies the certificate information, if applicable. The information is entered into CETS and the Drug Abatement Division’s local tracking tool for assignment to a special investigator.

The junior compliance investigator’s salary used to calculate this is equivalent to a GS-12 Salary (GS-12, Step 2 hourly wage) for a wage of \$31.93 per hour<sup>10</sup>. With overhead costs of 17 percent added<sup>11</sup>, the total salary is \$37.36 per hour.

**Total Cost to the Federal Government: \$186,987**

**15. Explain the reasons for any program changes or adjustments.**

We continue to require all aviation companies to complete and submit a Management Information System (MIS) report to the FAA, which allows the Drug Abatement Division to base estimations on actual data provided by the industry. Any adjustments made under items 12, 13 and 14 were based on wage differences.

The name of our Information Collection Request changed from Anti-Drug Program for Personnel Engaged in Specific Aviation Activities to Drug and Alcohol Testing Program for Personnel Engaged in Specified Aviation Activities.

The Drug Abatement Division removed the item ‘Post-Accident 2-Hr and 8-Hr Alcohol Limit No Test Documentation’ from the previously approved Supporting Statement under item #12. The FAA does not collect data to reflect when tests are not conducted.

The Drug Abatement Division removed the item ‘Permanent Disqualification’ from the previously approved Supporting Statement under item #12. The FAA does not collect data to reflect when a safety-sensitive employee is permanently disqualified.

<sup>10</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf), GS-12, Step 2.

<sup>11</sup> Source: Cody Rice, U.S. Environmental Protection Agency, “Wage Rates for Economic Analyses of the Toxics Release Inventory” (June 10, 2002), <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>.

The Drug Abatement Division made a significant change to the voluntary disclosures Information Collection. Based on the time it takes the DER to identify the noncompliance, investigate the matter and collect the supporting evidence, establish and document the comprehensive fix, notify the Drug Abatement Division and provide any follow-up information, the Drug Abatement Division determined it would take the DER up to 40.0 hours. This is a significant change from the previous estimate of 9.0 hours based on the DER's necessity to determine the root cause of the noncompliance, conduct a risk analysis and provide sufficient corrective action as part of the FAA's oversight and compliance program. The Drug Abatement Division compared its own experience of investigating a noncompliance issue and determined a 40.0 hour estimate is more accurate.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

Using the MIS Reporting Data and the required refusal, alcohol violation or positive test reports, the Drug Abatement Division responds to information requests from the media or industry about program data limited to the number of safety-sensitive employees subject to testing or data that establishes annualized random testing rates for the following year. Using the MIS reporting data, the Department of Transportation publishes drug and alcohol testing data for each mode of transportation, including the FAA. Information is presented annually online<sup>12</sup> and includes:

- 1) the total number of drug and alcohol tests by type of substance tested;
- 2) the drug and alcohol test results by type of substance tested;
- 3) the reason for the drug or alcohol test, such as pre-employment, random, post-accident, reasonable suspicion or cause, return-to-duty, or follow-up, by type of substance tested; and
- 4) the number of individuals who refused testing.

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

No such approval is being requested.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions.

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<sup>12</sup> [https://www.transportation.gov/odapc/DOT\\_Agency\\_MIS\\_Data](https://www.transportation.gov/odapc/DOT_Agency_MIS_Data)