

Problematic Substance Use Testing

IFALPA fully supports an aviation industry free of substance abuse, particularly for those whose professional responsibilities are safety sensitive in nature. Quite often the workplace is one of the last places where substance abuse is noticed. Family members, friends and colleagues most often will have noticed the problem during leisure time before it becomes evident in the work environment. At this stage peer intervention programs are an effective means of intervention and prevention as opposed to the problematic substance-use testing programs in the workplace. Testing programs introduced as a reaction to political pressure create the false perception that such testing improves safety.

Substance use testing should be limited to:

- Pre-Employment Testing
- Post-Accident Testing
- Reasonable Suspicion Testing*

*Reasonable Suspicion testing is unacceptable unless the following conditions are in place:

- an agreement as to what constitutes “reasonable suspicion” is reached between the Pilot Association, the Authority and employer;
- testing under an alcohol testing rule is based only on short term factors such as; what the observer sees at the time of performance of safety-sensitive duties, and not on long term performance factors such as excessive use of sick leave;
- testing is authorized only if the observer’s required observations are made during, just preceding, or immediately after the individual’s performance of safety-sensitive functions;
- further actions are only taken by a suitably qualified and authorized person (supervisor);
- the person who finds reasonable suspicion for alcohol testing may not conduct the test on that individual. Supervisors may not order reasonable suspicion testing based only on third party reports (e.g. a passenger’s report); and
- test must be conducted as soon as possible, but not later than two hours after the determination of reasonable suspicion.

RANDOM TESTING

While IFALPA does not support random testing it recognizes that some states have or may implement such a program. Any random testing program that is implemented should be based on careful use of procedures that have been agreed on in advance such that the program respects the privacy and dignity of those being tested and ensures a high degree of reliability.

IFALPA is of the opinion that random testing is not effective for the following reasons:

- it does not effectively prevent substance abuse;
- it is not cost-effective;
- it does not mitigate the risk of performing safety sensitive functions while being under the influence of drugs or alcohol;
- this is the role of reasonable suspicion testing; and
- it does not work as a deterrent.

Any random testing program should have the following safeguards in place before it is implemented.

Note: Pilot Associations should ensure that their members are familiar with the regulatory scheme under which the testing program operates.

Non-discriminatory Testing

The testing pool should not single out flight crew, but consist of all personnel who perform safety sensitive functions. Safety sensitive employees as defined in ICAO Manual 9654, include: Flight crew members, flight attendants, maintenance personnel, flight instructors, dispatchers, passenger and baggage screeners, ground security co-coordinators, and air traffic controllers. Other categories of personnel, among them airport security and fire fighters could also be considered for inclusion.

Testing Organizations

In all cases, testing shall be conducted by a certified testing organization that has proper equipment and training on how to conduct the tests.

Procedures for Testing

Problematic substance use testing procedures should, as a minimum, comply with the standards laid down by the US Department of Transportation Omnibus Transportation Employee Testing Act (1991), its subsequent amendments and implementing regulations, with respect to aviation employees, which includes privacy provisions and excludes testing onboard aircraft. Testing shall not be done in front of the public, but in a discrete manner e.g. in a separate room.

Random testing shall be non-invasive. There shall be no need for any skin penetration or removal of body parts (hairs, nail clippings/scrapings, etc.). Retrospective calculation is not acceptable under any circumstances. (*Note: Retrospective calculation is a practice of applying a formula to account for the metabolism of substances over time*). However, if the random test is positive, a secondary test, which may be invasive and with forensic accuracy should be taken. Testing procedures that could have negative employment consequences necessitate forensic testing as opposed to clinical testing.

Note: Programs meeting forensic requirements are those that produce test results that are supportable if challenged in court or another legal forum. Forensic testing is characterized by strict procedures to ensure the integrity of every aspect of the testing process. Forensic procedures must be used in any situation in which adverse consequences could result from evidence of substance use.

All workplace testing procedures should adhere to the following:

- High standards of forensic reliability are maintained to ensure that the specimen tested came from the specified person; that it was not tampered with, that the results are accurate and that all records are maintained in a secure and confidential manner. The chain of custody must ensure that all specimens are sealed upon receipt from the donor to prevent undetected tampering, and that specimens are handled by the minimum number of persons.
- The documentation, as well as instruments and analytical devices used in the testing process, must comply rigidly with specific requirements. The laboratories that will perform workplace testing should be required to undergo certification by a national agency or appropriate independent professional organization.
- All drug-testing events should provide for a split sample to minimize exposure to a false-positive test result due to tampering, faulty test equipment, or fault by laboratory procedures. The second or split sample should remain secure until the test results of the first sample are known. Provision should be made for testing a split sample at a different laboratory, appropriately certified to the same standard as the original laboratory.
- The testing organization must be bound to comply with confidentiality protocols.

Note: Any deviation from the above requirements shall automatically invalidate the test sample.

IDENTIFICATION, TREATMENT AND REHABILITATION

Problematic substance use among professional pilots can represent a significant threat to the health and careers of some pilots, and it is important that Pilot Associations develop understandings with employers and licensing authorities that

problematic substance use in an individual will be considered as an illness requiring diagnosis, treatment and rehabilitation with a view towards returning the employee to work.

Pilot Advisory Groups shall be involved in the development of pro-active programs to identify colleagues who may be at risk from problematic substance use and intervention to help the individual solve any problematic substance dependency issue that may exist.

AGREEMENTS BETWEEN PILOT ASSOCIATIONS AND AUTHORITIES/EMPLOYERS

Pilot Associations should negotiate agreements including, inter alia, the following provisions:

- The purpose and intent of the testing program.
- An educational program designed to prevent problematic substance use (to be introduced prior to the implementation of a testing program).
- Circumstances of testing, e.g. pre-employment, post-accident, or reasonable suspicion, the personnel groups to whom the testing will apply.
- Confidentiality of the entire process.
- The handling of the sample, including the criteria for the laboratory which will test the sample, the documentation to be used and the chain of custody to safeguard against tampering or alteration of the test sample, provisions for a split sample, and any re-testing procedures.
- Employment, licensing and legal consequences of a positive test.
- Rehabilitation, the right to return to work, and after-care.
- Appeal procedures.

See corresponding [IFALPA Position Paper on Problematic Substance Use Testing](#).