



National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: December 17, 1992

In reply refer to: A-92-112

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The Safety Board recently completed a study on alcohol and other drug involvement in fatal general aviation accidents that occurred from 1983 through 1988.¹ Despite a downward trend in alcohol-involved fatal general aviation accidents, about 6 percent of the fatally injured pilots in the study were flying while impaired. The mean blood alcohol concentration (BAC) of the alcohol-positive pilots was 0.15 percent, nearly four times the 0.04-percent BAC offense level established by current Federal Aviation Administration (FAA) regulations. More than 95 percent of the alcohol-positive pilots had a BAC that exceeded the 0.04-percent BAC offense level, more than 74 percent had a BAC that exceeded the 0.10-percent level established as illegal for drivers by most of the driving-while-intoxicated laws enacted by States, and more than 47 percent had a BAC that exceeded 0.15 percent.

The Safety Board is concerned about alcohol involvement in general aviation accidents because of its adverse effect on performance. Research has demonstrated that BACs below 0.04 percent can produce impairment.

Although the study provides information about fatal general aviation accidents for the 1983 through 1988 period, little is known about nonfatal general aviation accidents because the number of toxicological tests performed after these accidents has been small, and some test results may not be reported to the FAA.

¹ National Transportation Safety Board. 1992. Alcohol and other drug involvement in fatal general aviation accidents, 1983 through 1988. Safety Study NTSB/SS-92/03. Washington, DC.

Under the Federal regulations pertaining to alcohol and drug testing in civil aviation (Title 14 Code of Federal Regulations, Section 91.17), which include general aviation pilots, pilots must submit to toxicological testing for alcohol only if a test is requested by a law enforcement officer under the provisions of State law. If a toxicological (or a chemical) test for alcohol is requested from a pilot by a law enforcement officer, the pilot is required by Federal regulation to report the results to the FAA. If the pilot refuses the test or fails to provide a specimen for testing, the pilot is required to notify the FAA. A law enforcement officer may or may not report test results to the FAA, depending on the provisions of the State law.

Under most State laws, an officer may not request a test unless an offense has been committed in the presence of the officer or the officer has cause to believe that an offense has been committed. The authority to request such a test is dependent on the existence of a State law pertaining to flying while intoxicated.

Although 44 States have some form of law related to flying while intoxicated (FWI), the provisions of the laws vary from State to State. Only 16 States with FWI laws have an implied consent provision (for chemical testing) and establish a BAC level at which a pilot is presumed to be impaired; 15 of these 16 States require reporting of test results to the FAA.

States cannot adequately identify pilots who fly under the influence of an impairing substance and corrective actions cannot be taken without comprehensive FWI laws. Thus, in Safety Recommendation A-92-113 issued as a result of the study, the Safety Board urged States to enact comprehensive laws pertaining to alcohol and drug use in aviation, or to amend existing laws as appropriate, to include: (a) an implied consent provision to obtain biological specimen(s) for toxicological tests, for alcohol and other drugs, of pilots involved in accidents that result in death, serious injury, or substantial aircraft damage; (b) definition of the specimen(s) that may be obtained--such as breath, blood, urine, and/or other bodily substance; (c) a blood alcohol concentration that defines the offense; and (d) a requirement to report to the Federal Aviation Administration toxicological test results and refusals to submit to testing.

According to conversations with the FAA personnel at FAA headquarters and the Civil Aviation Medical Institute (CAMI), States with laws that require reporting of toxicological test results from an aviation accident customarily report the results to the FAA Flight Standards District Office (FSDO). However, the FAA appears to have no established procedures for receiving, processing, and analyzing State toxicological test results transferred from the FSDO. Consequently, as a result of the Safety Board study, the Board recommended that the FAA establish procedures for receiving, processing, and analyzing toxicological test results reported by the States, including the designation of appropriate FAA field offices (such

as the FSDOs or other appropriate FAA offices) to which States are to report toxicological test results and refusals to submit to testing, and the designation of one office within the FAA to which the FAA field offices transfer the test results for analysis (Safety Recommendation A-92-107).

State and local aviation authorities should be made aware of the procedures established by the FAA for the reporting of toxicological test results to the FAA. The Safety Board believes that dissemination of the notification procedures by the FAA could be aided by the National Association of State Aviation Officials.

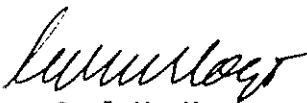
Therefore, as a result of its safety study, the National Transportation Safety Board recommends that the National Association of State Aviation Officials:

Distribute, in conjunction with the Federal Aviation Administration (FAA), to State aviation authorities and law enforcement agencies the procedures for States to follow when notifying the FAA of toxicological test results and refusals to submit to testing. (Class II, Priority Action) (A-92-112)

Also as a result of its safety study, the Safety Board issued recommendations to the Federal Aviation Administration, the Aircraft Owners and Pilots Association, the Experimental Aircraft Association, the National Agricultural Aviation Association, the National Air Transportation Association, the National Association of Flight Instructors, and the Governors and Legislative Leaders of the States.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation A-92-112 in your reply.

Chairman VOGT, Vice Chairman COUGHLIN, and Members LAUBER, HART, and HAMMERSCHMIDT concurred in this recommendation.


By: Carl W. Vogt
Chairman