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DEPARTMENT OF TRANSPORTATION REPORT CONFIRMS DEFICIENT PROCEDURES FOR INVESTIGATING VIOLATIONS OF FAA'S DRUG TESTING PROGRAM REGULATIONS

FOR IMMEDIATE RELEASE

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WASHINGTON, DC/September 30, 2010—Today, the U.S. Office of Special Counsel (OSC) transmitted to the President and Congress a Department of Transportation (DOT) report responding to a whistleblower's allegations concerning the Federal Aviation Administration (FAA), Drug Abatement Division's (Drug Abatement) procedures for investigating violations of FAA's drug testing program regulations.

The whistleblower, Connie Ingram, a former FAA Drug Abatement Inspector, disclosed an incident involving an airframe and power plant (A & P) mechanic who continued to perform safety-sensitive maintenance work for a certificate holder in Alaska after he tested positive for cocaine in a pre-employment drug test conducted by another certificate holder. She alleged that the mechanic continued to perform maintenance work even after the positive drug test result was reported to, and investigated by, Drug Abatement. It was not until after a November 1, 2008, accident involving an aircraft operated by the certificate holder employing this mechanic that FAA discovered the mechanic was working in violation of the drug testing program regulations and had performed maintenance on the aircraft that crashed.

DOT's report confirms Ms. Ingram's principal allegation that this incident highlighted critical deficiencies in Drug Abatement's procedures for investigating violations of FAA's drug testing program regulations, some of which pose safety concerns. According to the report, Drug Abatement staff was not familiar with a change in policy permitting FAA to report positive drug test results to multiple employers. The report also found that disparities between the requirements for pilots and mechanics concerning certificate verification and reporting of drug and alcohol violations for revocation action pose a "potential threat to safety." FAA reiterated its new policy concerning the sharing of drug and alcohol violations with employers, and pledged to give full consideration to the disparities between pilot and mechanic requirements during Drug Abatement's Rulemaking Project, which is described as a complete overhaul of the drug and alcohol rules.

OSC determined that the agency's report contains all of the information required by statute and the findings appear reasonable.

The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates a secure channel for disclosures of whistleblower complaints. Its primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act. For more information please visit our web site at www.osc.gov or call 1 (800) 872-9855.