

## FACT SHEET: Help ARSA Fight FAA's Drug & Alcohol Testing Rule

### We Need Your Help

In March 2006, ARSA asked a federal court to review the FAA's expanded drug and alcohol testing regulations. We believe the expanded requirements place an unnecessary burden on maintenance subcontractors without bringing any safety benefits. We're currently still fighting this rule and need your help. The cost of this legal battle is projected at over \$500,000--a lot of money, but a drop in the bucket compared to the unnecessary costs of the rule as written. After reading this fact sheet, complete the form on the back to make your contribution to the ARSA Legal Defense Fund.

### Making of a Bad Rule

Though the new rule was issued in January 2006, this problem is not new. The FAA first proposed an extension of its testing rules to subcontractor employees back in 2002, and again in 2004. ARSA and other industry members have fought this expansion of drug and alcohol testing requirements every step of the way, and though we were successful in delaying it, the rule is now final.

### ARSA's Response

On March 10, 2006, ARSA filed a Petition for Review with the U.S. Court of Appeals for the District of Columbia Circuit seeking a review of the regulation. ARSA was successful in pushing back the compliance date of the final rule to October 20, 2006, and filed a Joint Opening Brief and a Joint Reply Brief with the court arguing that the new rule violates several federal statutes as well as the Fourth and Fifth Amendments to the U.S. Constitution. ARSA was joined as a party to the litigation by two FAA certificated repair stations, two non-certificated maintenance sources and an individual subcontractor employee. The case was argued on March 28, 2007 before the U.S. Court of Appeals for the District of Columbia Circuit. The court issued its final opinion in July 2007, remanding the rule to the FAA to conduct a proper regulatory flexibility analysis. While the analysis is pending, the agency continues to enforce the rule. ARSA is using this time to compile data on the actual costs to the industry in complying with the expanded rule since it went into effect in October 2006.

### What You Should Know

- **This rule has a far-reaching, adverse economic effect on our industry.**
  - Many repair stations have been forced to bring work back in-house, develop new repairs, buy new parts, find a new supplier or send work to foreign providers; all resulting in higher costs.

### What You Can Do

- **Make sure your company is in compliance.**
  - There is a wealth of valuable information you can use in past and current issues of *the hotline*, and on the ARSA Web site: <http://www.arsa.org/>
- **Tell ARSA what the rule has cost your company.**
  - ARSA is compiling its own numbers from its members and the industry to assess the actual costs of complying with the expanded testing rule. ARSA will use the numbers generated to make sure the FAA's own cost estimates are accurate and realistic. Any numbers you could provide to show how much the expanded rule cost your company are welcomed and encouraged.
- **Help ARSA in its legal fight.**
  - On the reverse side of this Fact Sheet, we have included a donation form. Please join the fight against this unnecessary and damaging rule by helping to defray the costs of this litigation!

# Donate to the ARSA Legal Defense Fund

Thank you for contributing to the ARSA Legal Defense Fund. ARSA and the other litigants are relying on your financial participation, along with the support of others in the industry, to cover the significant costs of our legal challenge to the new drug and alcohol testing rule. Your donation to the Fund is tax-deductible and will be used to pay legal fees and expenses connected with this litigation.

ARSA's goal is to raise \$350,000, which would require 70 donations of \$5,000. Your contribution will help us fight this burdensome and costly rule.

Please fill out the following Contribution Form:

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Address2: \_\_\_\_\_

City: \_\_\_\_\_

State or Province: \_\_\_\_\_

Zip or Postal Code: \_\_\_\_\_

Country: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Amount of Contribution (*check one*):

\$1,000     \$2, 500     \$5,000 (*suggested donation*)     \$10,000

other (*please specify*): \_\_\_\_\_

*We regret that we cannot accept credit card donations for more than \$500.*

Send this form to ARSA, 121 N. Henry Street, Alexandria, VA 22314-2903 or fax it to 703 739 9488. ARSA will send you an invoice within five business days.

**Thank you for your support and generosity!**