U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

August 19, 2024

Tanner Hetz
Frigid Air LLC
1211 W. 80th Ave.
Anchorage, AK 99518
thetzworkemail@gmail.com

Dear Mr. Hetz:

We have received your letter dated June 3, 2024, requesting an interpretation of § 111.220 of Title 14 of the Code of Federal Regulations. We have determined that your questions are appropriate for legal interpretation because they are novel questions concerning a recently promulgated regulation. You asked several questions about drug and alcohol testing result reporting and the Pilot Records Database (PRD), which are addressed below.

You asked if the drug and alcohol reporting requirements found in 14 CFR § 111.220 satisfy the Department of Transportation's (DOT) requirements found in 49 CFR § 40.25.

No, reporting drug and alcohol records to the PRD and querying the PRD when hiring a pilot does not satisfy the requirements found in 49 CFR § 40.25. The reporting requirements found in 14 CFR § 111.220 only satisfy the requirement to submit the drug and alcohol violation and return to duty information to the PRD, but not the actual records. The information is meant to provide an air carrier or operator with information prior to hiring a pilot, which is separate from the process set forth under 49 CFR § 40.25. Additionally, as the Drug Abatement Division stated in its prior response to you on this topic, your response to another employer seeking a pilot's drug and alcohol testing information under 49 CFR § 40.25(h) must include the information in your possession and may include the actual records provided by the pilot's previous employer.

Although we are unable to interpret a regulation under the DOT's purview, this regulation has not been modified to provide an alternative path, such as the PRD, to obtain drug and alcohol records from any other source beyond the former employer. The DOT has allowed an employer's compliance with PRIA for the previous five years to satisfy the requirements under 49 CFR § 40.25, however this will end when PRIA sunsets on September 9, 2024. Any information obtained via PRD will not satisfy the requirements under part 40. Questions about this practice should be directed to DOT.

You also asked that if the reporting requirements found in part 111 do not satisfy the requirements found in 49 CFR § 40.25, why would an air carrier be required to report these same

records to the PRD if they can't be used in analyzing a pilot's record as part of the hiring process.

As discussed above, the intention behind requiring the drug and alcohol test information to be reported to the PRD is so that these records can be used to provide a complete picture of a pilot's drug and alcohol history.[1]

For further questions about specific recordkeeping requirements in accordance with part 111, an operator should seek assistance by email at PrdSupport@faa.gov. Questions about the requirements for drug and alcohol testing under part 40 should be addressed to drugabatement@faa.gov.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Megan Culligan, Attorney-Adviser in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Safety Analysis and Promotion Division of the Office of Safety Standards in the Flight Standards Service and Aerospace Medicine Office.

Sincerely,

LAURA JANE MEGAN-POSCH

Digitally signed by LAURA JANE MEGAN-POSCH
Date: 2024.08.16 15:58:46 -04'00'

Laura Megan-Posch
Assistant Chief Counsel for Regulations

[1] Pilot Records Database. 86 FR 31006, 31031 (June 10, 2021).