

September 10, 2026

Submitted electronically per 14 CFR §
11.63(a)(1) to:

<http://www.regulations.gov>

U.S. Department of Transportation
Docket Operations
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, S.E.
Washington, DC 20590-0001

RE: [Docket FAA-2025-2498](#) – Supplemental Petition for Rulemaking to Amend 14
CFR part [120](#)

To Whom It May Concern:

The undersigned parties respectfully submit this petition for rulemaking pursuant to Title
14, part [11](#)¹ of the Code of Federal Regulations (CFR).²

(1) Contact Information³

Inquiries, requests, notifications, and correspondence in connection with this petition for
rulemaking may be directed to:

Christian A. Klein
Executive Vice President
Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22043-2903
M: 703.599.0164
E: christian.klein@arsa.org

¹ See sec. 11.61(a).

² All regulatory references are to 14 CFR unless otherwise indicated.

³ See sec. 11.71(a)(1).

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(2) Explanation and Purpose of Proposed Action⁴

Petitioners propose to amend 14 CFR part [120](#) to extend for two years the deadline to comply with the Federal Aviation Administration (FAA) drug & alcohol (D&A) requirements for foreign repair stations published on Dec. 18, 2024.⁵ Petitioners represent regulated entities impacted by the rulemaking.

On Aug. 22, 2025, some of the petitioners submitted a petition for rulemaking to facilitate implementation and address multiple requirements in part [120](#) and 49 CFR part [40](#) that are impracticable for foreign repair stations. The proposed changes would reduce the regulation's administrative burden and facilitate compliance through greater clarity while maintaining the high safety standards contemplated in 14 CFR part [120](#). The FAA denied the petition on Sept. 29, 2025, and FAA has yet to act on the petition for reconsideration submitted on Nov. 26, 2025. This petition is consistent with and intended to supplement the previous petitions. Granting the present petition would provide the agency with more time to consider the issues raised in the prior petitions and to develop solutions.

Pursuant to the Convention on International Civil Aviation, an aircraft's state of registry is responsible for overseeing its airworthiness,⁶ including its maintenance. Only persons approved by under § 43.3 may maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, appliance, or component part under the FAA's regulatory jurisdiction. Thus, FAA certificated repair stations outside the United States provide essential services to U.S. commercial and general aviation operators. Without foreign repair stations to keep the U.S. fleet airworthy, global operations would be virtually impossible.

The new rule adopted by the FAA in December 2024 requires certificated repair stations located outside the territory of the United States whose employees and/or contractors perform safety-sensitive maintenance functions on certain air carrier aircraft to implement a D&A program in a manner acceptable to the FAA and consistent with the laws of the country in which the repair station is located. Impacted repair stations must comply with the new requirements (or have waivers and/or exemptions in place) by Dec. 20, 2027.

As of the date of this petition, 631 days have passed since the issuance of the rule and 466 days remain until the compliance deadline. Publication of FAA guidance has been delayed because of last year's government shutdown and the complexity associated with requiring D&A testing outside the United States for the first time in the country's history.

⁴ See sec. 11.71(a)(2).

⁵ Id.

⁶ See Convention on International Civil Aviation, Article [31](#).

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During a presentation on June 17, 2026 at the FAA-European Union Aviation Safety Agency (EASA) International Aviation Safety Conference, FAA Drug Abatement Division Director Nancy Rodriguez-Brown urged foreign repair stations and governments to wait until the FAA releases its guidance before submitting petitions for waivers under §§ 120.09 and 120.10. However, there is no indication when the guidance will be published. As a result, hundreds of U.S. and foreign organizations that operate foreign repair stations are stuck in limbo and uncertain about their obligations as the compliance deadline gets ever closer.

With the foregoing in mind, the petitioners propose to amend §§ 120.1([d](#)), 120.117([c](#)), and 120.225([c](#)) to change the stated compliance deadline to Dec. 20, 2029 to provide more time to consider the petitioners' prior submissions, develop related guidance, and prepare both the agency and industry for implementation.

(3) Language of Proposed Amended Rule⁷

Petitioners propose to amend part [120](#) as indicated below by removing words that are ~~stricken~~ and adding underlined words.

Subpart A - General

§ 120.1 Applicability

...

(d) Beginning December 20, ~~2027~~ 2029, all part 145 certificate holders outside the territory of the United States who perform safety-sensitive maintenance functions on part 121 air carrier aircraft, except that [section 120.5](#) and [subparts E and F of this part](#) do not apply to part 145 certificate holders outside the territory of the United States who perform safety-sensitive maintenance functions on part 121 air carrier aircraft that have obtained recognition pursuant to [§ 120.10](#)....

...

§ 120.117 Implementing a drug testing program.

...

(c)(2) A part 145 certificate holder located outside the territory of the United States whose employees perform maintenance functions on part 121 air carrier aircraft, unless you have received recognition pursuant to [§ 120.10](#)

(i) Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your Principal Maintenance Inspector.

(ii) Implement a drug testing program acceptable to the Administrator no later than December 20, ~~2027~~ 2029, and

⁷ See sec. 11.71(a)([3](#)).

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(iii) Meet the requirements of this subpart as if you were an employer in accordance with any applicable waivers or exemptions.

§ [120.225](#) How to implement an alcohol testing program.

...

(c)(2) (2) A part 145 certificate holder located outside of the territory of the United States who performs maintenance functions on part 121 air carrier aircraft, unless you have received recognition pursuant to [§ 120.10](#)

(i) Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your Principal Maintenance Inspector.

(ii) Implement an alcohol testing program acceptable to the Administrator no later than December 20, ~~2027~~ 2029, and

(iii) Meet the requirements of this subpart as if you were an employer in accordance with any applicable waivers or exemptions.

...

(4) Why the Proposed Action is in the Public Interest⁸

The proposed amendments to part [120](#)'s foreign repair station D&A requirements will serve the public interest as follows:

(A) *Immediacy of Safety Concerns*

Failing to revise the compliance deadline as petitioned raises immediate safety concerns because foreign repair stations may decide to surrender their certificates rather than comply, reducing the availability of repair stations legally able to service U.S. registered aircraft and related articles outside the United States. The proposed amendment will make it more likely that these facilities will continue to provide maintenance services for U.S. registered aircraft while the FAA completes its guidance and industry implements the new requirements. This, in turn, benefits every American who depends on international air transportation for travel, cargo shipments, and mail.

Additionally, the inability of the agencies (*i.e.*, the FAA and the Department of Transportation) to process waiver requests and petitions for exemptions in a timely and consistent manner will further strain the aviation maintenance safety assurance system. Considering the complexity of the process, the sophistication needed to understand the FAA's requirements, the myriad national and local laws and regulations in multiple countries, the number of foreign repair stations that must comply, and the limited resources of the U.S. government, it is imperative that safety be honored with the most effective and efficient methods of compliance. Extending the compliance deadline will

⁸ See sec. 11.71(a)([4](#)).

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provide more time for the FAA to address implementation concerns raised by industry in the prior petitions and establish an orderly and efficient process for granting waivers.

Finally, extending the compliance deadline will have no negative impact on safety. The rule was not developed in response to safety concerns identified by the FAA; it was directed by Congress without any clear basis. In the preamble to the D&A rule, the FAA admitted the agency “lacks safety data to support an expansion of the rule” to include mechanics working directly for part 121 air carriers outside the United States. If the FAA cannot justify extending the testing requirements to individuals performing the same work for the same certificate holder directly rather than by contract, it follows that there is no evidence of a safety risk associated with delaying implementation.

(B) Enhanced Compliance and Enforcement Efficiency

According to the FAA’s Repair Station Facility Dashboard,⁹ as of Sept. 9, 2026, there are 1,069 FAA certificated repair stations outside the United States potentially subject to the new D&A requirements. As the regulation is currently written, each of those facilities will be required to comply fully, apply individually for waivers and exemptions, or prevail upon their governments to petition for waivers. The process of learning a completely new set of regulations, developing a program that complies with part [120](#) and 49 CFR part [40](#), developing a waiver petition, and/or prevailing upon a foreign government to submit a petition is enormously time consuming, particularly in the absence of guidance. Extending the compliance deadline will provide more time for the FAA to consider issues raised by industry and foreign governments and develop guidance that facilitates efficient implementation and oversight.

(5) Information and Arguments That Support the Proposed Action¹⁰

The petition for rulemaking is intended to provide more time for the FAA and industry to implement the new D&A requirements.

(A) FAA Guidance Delays

The FAA’s Drug Abatement Division had aimed to provide industry guidance during the final quarter of 2025. The anticipated publication date was delayed to late spring 2026 due to last year’s government shutdown. As of the date of this letter, the guidance has not been published. The petitioners seek to extend the compliance deadline to provide FAA with more time to develop the guidance (i.e., to “do it right, not fast”) and more time for industry, once the guidance is published, to understand compliance pathways associated with a very complex and new regulation.

⁹ <https://www.faa.gov/av-info/facility-dashboard>.

¹⁰ See sec. 11.71(a)(5).

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(B) Consideration of Compliance Burden

Since the rule's publication the true cost of compliance has become evident. During the rulemaking, the agency did not address the cost for initial compliance and incorrectly estimated the annual and continuing burden for a foreign repair station to maintain its antidrug and alcohol misuse operations specification at just 16.2 hours with an estimated annual burden for test data at 5.25 hours. Additionally, the agency's final rule assumed that for a country to request a waiver for all its repair stations would equate to \$2,569, an estimate that is belied by the number of hours it has taken ARSA to draft a waiver for a foreign government with laws and regulations fully compatible with those set forth in part 120.

The FAA's estimate of the compliance burden is low for many reasons. For example, in the preamble to the final rule, the FAA incorrectly expected "the expanded waiver options to reduce the burden on foreign citizens and on FAA and DOT by reducing the number of waivers and exemptions received." Specifically, the Final Rule's Paperwork Reduction Act analysis states, "FAA assumes that every foreign government that regulates part 145 repair stations located outside the territory of the U.S. will submit a request for a waiver based on recognition. There are 65 countries that have part 145 repair stations within their territories so there will be 65 submissions."

The agency exposed itself and the industry to considerable risk by baselessly assuming every foreign government would submit sec. 120.10 waiver petitions to relieve repair stations in those countries of the burden of complying with 14 CFR subparts E and F. Further, the estimate failed to consider the additional time for evaluating the need for and filing petitions for exemption from 49 CFR part 40 requirements.

According to the experts with whom ARSA has been working, many foreign governments are unaware of the requirement or the ability to obtain a waiver on behalf of the repair stations in their jurisdictions. Where awareness exists, the governments are unable to determine the appropriate department, agency, or authority through which the waiver would be requested as the issues involve privacy rights, health and safety laws and regulations, as well as civil aviation authorities.

Additionally, for political reasons, or due to time and resource constraints, governments are disinclined to act or are simply refusing to submit a petition that meets the requirements of § 120.10. Thus, it is much more likely that the agencies will be inundated by waivers and petitions from individual facilities, each of which will need to take a minimum of 80 to 100 hours to develop a potentially compliant program with an appropriate waiver and/or exemption request. It will take an equally extensive period for the FAA and DOT to review and process multiple, potentially conflicting applications. Determining compliance will take time and involve multiple federal agencies because there are regulatory requirements (e.g., the use of U.S. Department of Health and Human Services approved laboratories to process drug test specimens) with which no foreign repair station can comply.

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Extending the compliance deadline will provide more time for FAA to consider these issues and implement the rule in the most efficient manner possible.

(C) *Opportunity to Reconsider Interpretation of Statutory Mandate*

The FAA erred in its interpretation of the statute directing the foreign repair station D&A requirements by failing to embrace the full authority the FAA has been given to find foreign repair station D&A programs “acceptable to the administrator”.

49 U.S.C. sec. 44733(d)(2) directed the FAA to promulgate a proposed rule to ensure certain foreign part 145 repair station employees are subject to an alcohol and controlled substances testing program deemed acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

Congress recognized that it was impossible for foreign repair stations to fully comply with part [120](#) and 49 CFR part [40](#). Therefore, the law does not require foreign repair stations to have D&A programs that fully comply with DOT rules. Indeed, in providing the FAA with discretion to waive DOT requirements inconsistent with a foreign country’s laws. And by creating the 14 CFR sec. 120.[10](#) waiver process, the FAA recognized that full compliance with 49 CFR part [40](#) is not required under the law.

As stated in the original petition for rulemaking, the FAA should fully embrace the flexibility and authority given it in the statute. Specifically, the FAA must recognize that it has the authority to waive its own requirement (stated in part [120](#)) that foreign repair stations comply with all of 49 CFR part [40](#) as well as to grant foreign repair stations waivers from individual sections of the DOT D&A rules.

Extending the compliance deadline will provide the FAA with additional time to consider the congressional mandate’s intended scope and to develop guidance aligned therewith.

(6) *Specific Facts or Circumstances that Support or Demonstrate Need for the Proposed Action*¹¹

The foreign repair station amendments to part [120](#) are the first time the FAA has extended D&A requirements outside the United States. The government and industry are coming to terms with the associated compliance challenges, many of which could not have been considered during the prior rulemakings as they have only become apparent since the issuance of the final rule.

The proposed compliance deadline extension will ensure the FAA achieves the objective of the congressional mandate in the most efficient manner for FAA, the DOT, foreign repair stations, and the U.S. operators who rely on them.

¹¹ See sec. 11.71(a)(6).

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(7) Conclusion

For the reasons discussed above, the undersigned parties respectfully petition the Administrator to amend part [120](#) as proposed herein and to act favorably on the previously submitted petition for reconsideration.

Sincerely,

Christian Klein
Executive Vice President
Aeronautical Repair Station Association
christian.klein@arsa.org

Ric Peri
Vice President, Government & Industry
Affairs
Aircraft Electronics Association
ricp@aea.net

Jim Coon
Senior Vice President, Government Affairs
and Advocacy
Aircraft Owners and Pilots Association
jim.coon@aopa.org

Michele Dickstein
President
Aviation Suppliers Association
michele@aviationsuppliers.org

Crystal Maguire
Executive Director
Aviation Technician Education Council
crystal.maguire@atec-amt.org

Jennifer Thibodeau
Managing Director, Safety and
Regulatory Policy
Cargo Airline Association
jthibodeau@cargoair.org

Joe Sambiasse
Managing Director, Airworthiness &
Regulatory Affairs
General Aviation Manufacturers
Association
jsambiasse@gama.aero

Douglas E. Lavin
Vice President, Member and External
Relations
International Air Transport Association
lavind@iata.org

Jason Dickstein
President
Modification and Replacement Parts
Association
jason@washingtonaviation.com

George Paul
Vice President, Technical Services
National Air Carrier Association
gpaul@naca.aero

Karen Huggard
Vice President, Government Affairs
National Air Transportation Association
khuggard@nata.aero

Elaine J. Karabatsos
Technical & Sustainability Lead
National Business Aviation Association
ekarabatsos@idc.nbaa.org

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Nobuyo Reinsch
Senior Vice President, Safety &
Regulatory Affairs
Regional Airline Association
reinsch@raa.org

Paul Petersen
Executive Director
United Aerial Firefighters Association
ppetersen@uafa.org

cc: Nancy Rodriguez Brown
Doug Simon
Charles Ducker, Jr.
Bohdan Baczara
Jennifer Lancaster
Julia Brady
Latonya Williams

nancy.rodriquez-brown@faa.gov
doug.simon@dot.gov
charles.ducker@dot.gov
bohdan.baczara@dot.gov
jennifer.lancaster@dot.gov
julia.brady@faa.gov
latonya.williams@faa.gov