



CC/ATCG/Ops/2022/03

27.01.2022

The Director General of Civil Aviation
Aurobindo Marg,
Opposite Safdarjung Airport,
New Delhi – 110003

{Kind Attention: Shri D.C.Sharma, JDG(OPS)}

Sub: Request amendments in DGCA CAR on Breath Analyzer Test for ATCOs.

Sir,

Reference may please be made to DGCA, CAR Section 5 – Air Safety, Series F, Part IV, Issue I dated 16th September, 2019 which issued guidelines regarding procedure for Breath-Analyser (BA) examination of the personnel engaged in Air Traffic Control Services. The CAR mandates BA test of at least 10% randomly selected Air Traffic Controllers (ATCOs), when they report for duty. **Any reading above 0.000 is considered positive during the BA Test. The CAR even advises, not to use mouthwash/tooth gel etc. with alcoholic content as it may result in positive reading.**

In this regard, ATC Guild (India) wants to bring following facts for your kind consideration:

1. Point 1.3 of said CAR refers to Para 1.2.7.1 of ICAO Annex-1 i.e. "Use of Psychoactive Substances". The Breath Analyser Test is introduced after taking a reference from Federal Aviation Agency, USA and Civil Aviation Authority, UK, as these countries have developed and published their policy for detection of consumption of psychoactive substance including alcohol.

In the United States, any employees performing "safety-sensitive functions" must register a blood alcohol concentration of **0.04 or less**.

In the UK, Part 5 of "The Railways and Transport Safety Act 2003", lays out the requirements for drug and alcohol testing in aviation staff, with prescribed alcohol limits as follows:

- (a) in the case of **breath, 9 microgrammes of alcohol in 100 millilitres,**
- (b) in the case of **blood, 20 milligrammes of alcohol in 100 millilitres, and**

(c) in the case of **urine, 27 milligrammes of alcohol in 100 millilitres.**

From the above-mentioned values, it is well clear that the two ANSPs which have been taken as a reference for introducing BA Test for aviation personnel in India have used a rational system of BA test values which not only takes care of testing machine errors but also provides ample opportunities for a person to prove himself not guilty.

2. The said CAR was issued in September, 2019, i.e., in the pre-COVID era. However, in today's era use of sanitizers (with around 90 percent alcoholic contents) is the new normal at airports. ATCOs who are reporting for BA test after sanitizing their equipment/work space are 'falsely' reported positive by the machine.
3. The value of the reading of BA test has been fixed at 0.000 mg/dl by the DGCA. However, it is a well-known fact that there is no machine with 0% error margin. There is always some error associated with every machine. For example, the FiT 3331 machine, being presently used at IGI Airport for the BA test also has an error margin of $\pm 5\%$. It is evident that a machine with any error margin cannot give true results all the time. **The machine at IGI airport alone has shown 17 'false' positive results during the past one year.**
4. In accordance with DGCA CAR, license of the ATCO tested positive during the BA test for the first time is suspended for three months, then for 1 year during the second time and then for 3 years on being tested positive for the third time. Thereafter, his/her license is cancelled on the fourth time. Many of our fellow ATCOs serve such punishment without their fault.
5. Imposing of such punishments without fault of ATCOs, due to erroneous readings by the machine or due to false positive results because of the use of sanitizers is spreading dissatisfaction among ATCOs and creating an environment of fear of losing their license due to false positive results. There is a wide-spread belief among ATCOs that if one can be falsely tested positive for once, then this may repeat and his/her license will get cancelled ultimately. Some are even ready to surrender their ratings to avoid the harassment and mental trauma.

In view of the above, the following suggestions are submitted for your kind consideration:

- a) **The BA test may please be suspended till the COVID lasts and use of sanitizers is mandatory at the airports and work places as per the directives of Govt. of India under COVID appropriate behavior.**
- b) **The value of BA test from 0.000 may please be increased to a blood alcohol concentration of 0.04 or less (as followed by FAA) to consider the outcome**

as 'positive'. And the positive result by the breath analyzer machine be followed by a urine/blood test with result value references as used by Civil Aviation Authority, UK to ensure that no innocent ATCO is served upon the harsh punishments.

- c) The time period for second reading after first result as positive may please be increased to 30-40mins.
- d) New better machines with higher technical specifications may please be suggested to AAI for procurement to ensure more accurate results. AAI is procuring machines based on L1 criteria, the quality may be preferred over price of the machine.

In view of the above, ATC Guild (India) requests your good office to amend the BA test CAR with the possible limits followed by major ANSPs of the World.

Assuring you best cooperation.

Regards



(Alok Yadav)
General Secretary

Copy to:

1. The Secretary, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi-110003.
2. The Chairman, AAI, Rajiv Gandhi Bhawan, New Delhi-110003.
3. The Member (ANS), AAI, Rajiv Gandhi Bhawan, New Delhi-110003.