



ASSEMBLY – 40TH SESSION

TECHNICAL COMMISSION

Agenda Item 30: Other issues to be considered by the Technical Commission

**PREVENTING TO PERFORM DUTIES BY FLIGHT CREWMEMBERS
UNDER THE INFLUENCE OF ALCOHOL**

(Presented by Japan)

EXECUTIVE SUMMARY

The Civil Aviation Bureau of Japan (JCAB) amended its alcohol regulations applicable to flight crewmembers on 31 January 2019, reflecting on a series of inappropriate events regarding alcohol by Japanese air carriers.

This paper introduces precautionary measures for flight crewmembers not to perform duties under the influence of alcohol in flight, highlighting the necessity for a global harmonization of alcohol regulations.

<i>Strategic Objectives:</i>	This working paper does not relate to any Strategic Objectives.
<i>Financial implications:</i>	Not applicable
<i>References:</i>	Article 70 of the Civil Aeronautics Act

1. INTRODUCTION

1.1 A Japanese pilot was arrested at London Heathrow Airport on 28 October 2018 prior to his flight duty to Tokyo Haneda airport. The result of a blood test showed that he had not less than 189 mg of alcohol per 100 ml of blood in his system, which was nine times over the United Kingdom's legal limit for a pilot. In Japan, total 17 events including this one occurred since last October, all of which detected alcohol from pilots.

1.2 Japan had implemented a performance-based regulation that no employees including flight crewmembers, flight attendants, aircraft dispatchers and aircraft maintenance personnel shall engage in their duties under the influence of alcohol. However, the actual test procedures were established by air carriers which were accepted by JCAB. After encountering a series of inappropriate events regarding alcohol caused by Japanese air carriers, JCAB established an experts panel on 20 November 2018 to review what alcohol regulations should be imposed on employees who perform safety-sensitive functions in aviation. Based on the recommendation from the expert panel, JCAB, as a first step, amended its alcohol regulations on flight crewmembers on 31 January 2019.

1.3 Last year, the European Union Aviation Safety Agency adopted European Union (EU) Commission Regulation 1042/2018 (EU 1042/2018) which will require random alcohol checks for operators of the third countries by 14 August 2020, and a similar initiative was taken by the aeronautical authority of Singapore in March 2019. JCAB has also been considering random alcohol checks for flight crewmember of foreign air carriers at ramp inspections by JCAB. It is clear that a uniform global provision is necessary for alcohol check programs which can be implemented by Member States.

2. DISCUSSION

2.1 Since air transport services are required to achieve high level of safety, strict measures are necessary to prevent operations by those who conduct their duties under the influence of alcohol. Even a small amount of alcohol may cause a decrease of carefulness and accuracy of tasks and the influence of alcohol on the human body differs depending on the individual constitution and daily physical conditions. For those who directly perform safety-sensitive functions in aviation, which require immediate and accurate judgments and actions and their independent judgments and actions may affect the safe operations, strict alcohol regulations shall be applicable.

2.2 Based on the fact that there was no prescriptive requirements for acceptable blood alcohol concentration, JCAB clarified numerical criteria for blood alcohol concentration applied to aircrews to avoid abnormal physical conditions by the influence of alcohol, in accordance with Article 70 of the Civil Aeronautics Act (blood alcohol concentration: 0.2 g/ℓ or greater, or breath alcohol concentration: 0.09 mg/ℓ or greater).

2.3 JCAB also requires that all flight crewmembers of Japanese air carriers conduct alcohol checks, and air carriers describe the following requirements in their operations manual:

- a) Each flight crewmember shall conduct alcohol check before and after its flight duty. If alcohol is detected, the flight crewmember is prohibited to perform its duty.
- b) Air carriers shall establish a system to prevent falsified practices (letting another person to take an alcohol check in one's stead or slipping through the alcohol check).
 - 1) Each flight crewmember shall take an alcohol check with a presence of the third person other than the flight crewmembers or otherwise monitor systems are utilized.
 - 2) Air carriers shall use alcohol detection devices which can numerically display breath alcohol concentration by analyzing a certain amount of expiration.
 - 3) Air carriers shall record and keep the results of alcohol check such as dates, names and numerical values.
- c) No employee shall perform flight duties within 8 hours after consuming alcohol beverages.

2.4 All employees including company management shall have regular education concerning alcohol. Air carriers shall establish a system which early detects those who suffer from alcoholism and take countermeasures such as providing education and counselling to those employees.

2.5 Air carriers shall report to JCAB inappropriate events such as falsified behaviors during alcohol check.

2.6 Air carriers shall establish that the safety manager of its safety management system is responsible for implementing measures against alcohol issues including education and alcohol checks in order to prevent flight crewmembers from performing duties under the influence of alcohol. In addition, it is the safety manager's responsibility to develop a system to implement these measures.

2.7 JCAB also mandated alcohol checks for flight attendants, aircraft dispatchers and aircraft maintenance personnel to use alcohol detection devices before their duties in addition to flight crewmembers. The air carriers shall implement alcohol checks by the end of 2019. Air carriers shall prohibit their employees to perform their duties if alcohol is detected, and establish a system to prevent falsified practices (letting another person to take the alcohol check in one's stead or slipping through the alcohol check).

2.8 JCAB takes actions to ensure strict and continuous compliance with the regulations by thoroughly supervising air carriers' countermeasures against problems related to alcohol and by directly implementing alcohol checks by random sampling for flight crewmembers of Japanese air carriers or by witnessing the alcohol checks. It is also mandatory to report to JCAB inappropriate events including events of alcohol detection in alcohol checks, and to investigate causes and to take countermeasures for each inappropriate event. Furthermore, JCAB developed an educational material containing the information about risk of alcohol and decomposition rate of alcohol in order to facilitate the proper understanding of the influence of alcohol.

2.9 JCAB notified foreign authorities and foreign air carriers that the criteria for alcohol concentration are applicable to flight crewmembers of foreign air carriers flying into Japan. JCAB also notified foreign air carriers of random alcohol checks for flight crewmembers at the time of ramp inspection by JCAB. JCAB has asked foreign authorities to understand and support these inspections.

2.10 To dispel concerns about the fairness, accuracy, and integrity of the alcohol check process, it is essential to address some of the issues in developing the standards, which relate to the matters in question such as who will conduct the confirmation test, will the same check method be used, and should the device certified for use also conform to the industry standards?

3. CONCLUSION

3.1 JCAB considers that the amended alcohol regulations for flight crewmembers are effective to help prevent accidents and injuries possibly resulting from flight crewmembers on duty under the influence of alcohol.

3.2 JCAB commits to early regain trust in aviation safety by rigorously supervising air carriers through audits including random alcohol checks.

3.3 JCAB requests ICAO and other aviation authorities to understand and cooperate in conducting random alcohol checks for flight crewmembers of all air carriers at airports in Japan through ramp inspections by JCAB.

3.4 The alcohol check process should be clearly defined and assured that the check process is fair and based on principles of due process, while addressing the safety concerns of the Member States.

3.5 The Assembly is invited to:

- a) request ICAO to survey and review laws and regulations of Member States that require alcohol testing programs for those individuals engaged in air transportation; and
- b) request ICAO to develop global provisions for alcohol testing requirements which prevent to perform duties by flight crewmembers under the influence of alcohol.

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