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# CIVIL AVIATION AUTHORITY OF NEPAL

Head Office, Babar Mahal, Kathmandu, Nepal

## Flight Safety Standards Department

Ref. No. FOD-075/76  
Cha No. 194

(Tel: 4111075, 4111042 and 4111119, Fax: 977-1-4111198)

Date: 9<sup>th</sup> Sept. 2018

Advisory Circular 06/18

To,  
Operations Department,  
Quality Department

Nepal Airlines Corporation, Kantipath  
Buddha Air Pvt. Ltd., TIA, Gauchar  
Himalaya Airlines Pvt. Ltd., Gairidhara  
Makalu Air Pvt. Ltd., Sinamangal  
Shree Airlines Pvt. Ltd., Sinamangal  
Saurya Airlines Pvt. Ltd., Sinamangal  
Simrik Airlines Pvt. Ltd., Minbhawan  
Sita Air Pvt. Ltd., Sinamangal  
Tara Air Pvt. Ltd., Tilganga  
Yeti Airlines Pvt. Ltd., Tilganga

Air Dynasty Heli Service, Sinamangal  
Summit Helicopter Pvt. Ltd., Sinamangal  
Mountain Helicopters Pvt. Ltd., Sinamangal  
Prabhu Helicopter Pvt. Ltd., Sinamangal  
Simrik Air Pvt. Ltd., Tinkune  
Altitude Air Pvt. Ltd., Sinamangal  
Heli Everest Pvt. Ltd., Tinkune  
Kailash Helicopters Pvt. Ltd.  
Manang Air Pvt. Ltd., Sinamangal  
Summit Air Pvt. Ltd., Tinkune

### Subject: Advisory Circular

Reference to the Civil Aviation Requirements 2058 Rule 69 (A), Civil Aviation Requirements for Rules of the Air (CAR-2) Paragraph 2.5 Personnel Licensing Requirement (PELR), Flight Operations Requirements (Aeroplane & Helicopter), Please find the attached Advisory Circular for your necessary Action issued as per CAA Nepal decision dated 29<sup>th</sup> August 2018.

You are required to submit the weekly summary report of the alcohol test for your Flight Operation and Maintenance Personnel to this office.

Deepak Kr. Lama  
Dy. Director

Flight Operations Division

#### C.C.:

Deputy Director General -2 .....sir for your kind information  
CAA Nepal Head office, Babarmahal, Kathmandu

AID, FSSD, Sinamangal, Kathmandu

LED, FSSD, Sinamangal, Kathmandu



**CIVIL AVIATION AUTHORITY OF NEPAL  
FLIGHT SAFETY STANDARDS DEPARTMENT**

AC no 06/2018

Subject- Advisory circular for blood alcohol testing

Issue number 01

Date August 2018

# Civil Aviation Authority of Nepal

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## 1. PURPOSE

This Advisory Circular (AC) provides information and guidance regarding the introduction of alcohol testing in aviation industry in Nepal.

## 2. STATUS OF THIS AC

This is the first issue of the advisory circular of its kind and will be updated in its future issues incorporating additional information related additional problematic substances. This document involves the adoption of ICAO Annex 1 recommendation to the Contracting States to ensure that all license holders who engage in any kind of problematic use of substances are identified and removed from their safety-critical functions.

## 3. APPLICABILITY

This AC applies to all Nepalese operators with employees working in safety-sensitive positions, including all Nepal airports and all ATC working within the Nepal boundaries.

## 4. EFFECTIVE DATE

This AC will be effective from date of approval from Director General, Civil Aviation Authority of Nepal.

## 5. REFERENCES

- (a) Civil Aviation Regulations 2002
- (b) Personnel Licensing Requirements (PELR)
- (c) Flight Operations Requirements (FOR)
- (d) Medical Requirements (MR)
- (e) ICAO Manual - Prevention of Problematic use of Substance in the Workplace (Doc 9654-AN/945) first edition, 1995).
- (f) Wikipedia (Breath analyzer)

## DEFINITION

**Alcohol** is the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

**Alcohol concentration** is alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test, or as a concentration of nanograms per milliliter for saliva or blood alcohol tests.

**Alcohol confirmation** test is a subsequent test using an EBT, following a screening test with a result of a specified concentration (0.02, .04, etc.) or greater, that provides quantitative data about the alcohol concentration.

**Alcohol use** is the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

**Breathalyzer** is a device for estimating blood alcohol content (BAC) from a breath sample.

# Civil Aviation Authority of Nepal

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## CHAPTER 1 INTRODUCTION

Flight Operations Requirements (FOR) and Personnel Licensing Requirements (PELR) states “Holders of licences provided for in this requirement shall not exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges”

This advisory circular has been issued by Civil Aviation Authority of Nepal for the guidance of air operator for timely administering of blood alcohol testing among the flight crew and aircraft maintenance personnel.

The CAA Nepal accepts that the nature of aviation places a special responsibility on aviation workers, employers, regulators and governments to protect public safety and prevent harm; that any psychoactive substance has the potential for creating mental and physical problems in the user; that any use of such psychoactive substances may negatively affect the performance of safety-related aviation duties and has the potential for doing harm.

Accordingly, the CAA Nepal has decided to implement alcohol testing program which emphasizes both deterrence and detection of abuse and so prevents the problematic use of substances of abuse by aviation workers which threaten safety in the aviation workplace.

It is the obligation of holder to license not to use the privileges of license and ratings if the conditions on which the license or rating was issued do not meet; i.e. the condition of medical fitness will be in question when the holder of license and rating is under the influence of psychoactive substance. When the holder of license or rating utilizes the privileges of license or rating it is clear breach of regulations and warrants for applicable enforcement actions as stipulated in “Aviation enforcement Policy and Procedure Manual”.

Similarly, it is the sole responsibility of air operator to ensure that those individuals holding CAAN licenses and ratings do not utilize the privilege of license or ratings under the influence of psychoactive substances. Contravention of such CAAN regulations will be dealt with necessary enforcement action as per established procedure.

This makes individual and air operator equally responsible to make sure that the CAAN provisions on the use of psychoactive substances are respected all times. It is to be noted clearly that accountable manager of air operator is responsible for all activities under the authorizations granted under the air operator’s certificate; however in practical terms the Director, Flight Operations is responsible for the safe operations of flight by respecting the procedures of the air operator and applicable CAAN requirements.

# Civil Aviation Authority of Nepal

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## CHAPTER 2- COMPANY POLICY

All organizations, small and large should prepare a policy on alcohol misuse, and this policy should form part of the organization's overall health and safety policy. The policy shall be widely communicated and should be available to all the staff. Details of the policy and its implications shall be covered in induction training.

### **Substance abuse policy should cover the following:**

- (a) Outline who is covered by the policy– it should apply to all staff in the organization, in safety sensitive positions.
- (b) A clear definition of substance abuse and prohibited activities and also address the use of drugs (whether prescribed or over-the-counter) for appropriate medical purposes, if the use of such drugs in the workplace poses a risk to aviation safety, to the employee himself or to his coworkers.
- (c) The consequences of a breach of the policy, as substance abuse, should be considered primarily a health issue. An employee in breach of the policy may be considered for rehabilitative treatment. The availability of rehabilitation opportunity is purely company choice or decision.
- (d) A system for dealing with any breaches- Disciplines.
- (e) It is essential that any staffs involved in the implementation of a substance abuse policy are fully trained and are aware of all the issues involved.
- (f) Procedure for alcohol testing.

This is by no means an exhaustive list of points to consider when implementing a substance abuse policy and/or random alcohol testing and as these measures have implications under human rights and privacy legislation, the CAAN strongly recommends taking external advice and guidance from occupational health physicians and specialists in employment law before introducing such processes.

## CHAPTER 3- EMPLOYEE EDUCATION/AWARENESS

### 3.1 Objectives alcohol testing program

The company should offer alcohol education to all employees. Alcohol education should include education and training to all levels of the company on:

- (a) Types and effects of drugs; dangers caused by alcohol and drug abuse in workplace.
- (b) Symptoms of drug use, and the effects on performance and conduct; this includes educating the individuals about the typical warning signs of alcohol abuse in order to identify any individual with a substance abuse problem and how to report their concern to the appropriate individual to take an action.
- (c) Company policy and activities that will be used to maintain a drug-free workplace.
- (d) The penalties that will be imposed on employees who violate the alcohol free workplace policy which will follow company personnel policy or the CAAN decision, depending on the individual cases, and
- (e) Other relevant treatments, alcohol counseling, rehabilitation, employee assistance programs and confidentiality issues.

### 3.2 Means of Education

Alcohol education activities may include:

- (a) Distribution of written materials;
- (b) Lectures
- (c) Video clips

## CHAPTER 4- LEGAL PROVISIONS

There are well spelt out provision of precaution in use of psychoactive substances in following regulatory documents.

### 4.1 Civil Aviation Regulations 2002

Rule 69

“No flight crew should fly an aircraft under the influence of psychoactive substance including alcohol.”

### 4.2 Flight Operation Requirements

#### “3.4 USE OF PSYCHOACTIVE SUBSTANCES

3.4.1 Holders of licenses provided for in this FOR as well as PELR shall not exercise the privileges of their licenses and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.

3.4.2 Holders of licenses provided for in this FOR as well as PELR shall not engage in any problematic use of substances.

3.4.3 CAAN shall ensure, as far as practicable, that all license holders who engage in any kind of problematic use of substances are identified and removed from their safety-critical functions.

3.4.4 No person whose function is critical to the safety of aviation (safety-sensitive personnel) shall undertake that function while under the influence of any psychoactive substance, be reason of which human performance is impaired. No such person shall engage in any kind of problematic use of substances.

3.4.5 Holders of licences provided for in this CAAN PELR, shall not exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.”

### 4.3 Personnel Licensing Requirements

#### “1.23. Use of Psychoactive Substances

1.23.1 Holders of licences provided for in this requirement shall not exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.

1.23.2 Holders of licenses/certificates shall not engage in any problematic use of substances.

1.23.3 Air Operators and individuals shall ensure, as far as practicable, that all license/certificate holders who engage in any kind of problematic use of substances are identified and removed from their safety-critical functions. Return to the safety-critical functions may be considered after successful treatment or, in cases where no treatment is necessary, after cessation of the



# Civil Aviation Authority of Nepal

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problematic use of substances and upon determination that the person's continued performance of the function is unlikely to jeopardize safety. “

## 4.4 Medical Requirements

For Class 1 medical certificate:

“C1.5 The applicant shall have no established medical history or clinical diagnosis of:

- a) an organic mental disorder;
- b) a mental or behavioural disorder due to use of psychoactive substances; this includes dependence syndrome induced by alcohol or other psychoactive substances;”

For Class 3 medical certificate:

“C2.5 The applicant shall have no established medical history or clinical diagnosis of:

- a) an organic mental disorder;
- b) a mental or behavioural disorder due to use of psychoactive substances; this includes dependence syndrome induced by alcohol or other psychoactive substances;”

For Class 3 medical certificate:

“C3.5 The applicant shall have no established medical history or clinical diagnosis of:

- a) an organic mental disorder;
- b) a mental or behavioural disorder due to use of psychoactive substances; this includes dependence syndrome induced by alcohol or other psychoactive substances;”

## Test Information

Any test information obtained by the CAAN will be evaluated by Civil Aviation Medical Assessor (CAMA) in determining a person's qualifications for any CAAN licence or possible violations of this Chapter and may be used as the basis for suspension or sanctions against that licence as well as used as evidence in any legal proceeding.



# Civil Aviation Authority of Nepal

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## CHAPTER 5 - ALCOHOL TESTING GUIDELINES

### Testing sites, forms, equipment and supplies used in alcohol testing

- (a) An alcohol testing site should provide visual and aural privacy to the employee being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. And it shall have all needed personnel, materials, equipment, and facilities to provide for the collection and analysis of breath, and a suitable clean surface for writing.
- (b) An alcohol testing site can be in a medical facility, a dedicated collection facility, or any other location meeting the requirements of this section.
- (c) Only employees being tested, trained tester, and other alcohol testing site workers, company representative/supervisor, and CAAN representative are authorized to enter to testing site.
- (d) When an Evidential Breath Test screening test on an employee indicates an alcohol concentration of 0.02% or higher, this is considered a positive alcohol testing.
- (e) Only the CAAN alcohol testing form is allowed to be used for this purpose without modifications
- (f) Only the evidential breath analyzers approved by the CAAN should be used to conduct alcohol screening and confirmation
- (g) The EBT that is approved by the CAAN shall have the following capabilities:
  - 1. Provides a printed triplicate result (or three consecutive identical copies of a result) of each breath test;
  - 2. Assigns a unique number to each completed test, which the technician and employee can read before each test and which is printed on each copy of the result;
  - 3. Prints, on each copy of the result, the manufacturer's name for the device, its serial number, and the time of the test;
  - 4. Distinguishes alcohol from acetone at the 0.02 alcohol concentration level;
  - 5. Tests an air blank; and
  - 6. Performs an external calibration check.
- (h) The inspection, maintenance, and calibration of the EBT are performed by its manufacturer or a maintenance representative certified either by the manufacturer or other appropriate agency should be maintained.

### Procedures for Alcohol testing

- (a) On arrival at the testing area both the tester or the technician and the individual to be tested are required to show their identification.

## Civil Aviation Authority of Nepal

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- (b) The tester should explain the testing procedure before commencing the test, and then signing the form. The tester instruct the employee to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
- (c) Show the employee the displayed test result.
- (d) If the screening test is 0.02% or greater a confirmation test will be performed. The confirmation test may be performed on the same machine, as long as, the machine has the capability of printing each test result and air blank, and to consecutively number each test. Another evidential test may be done by using blood.
- (e) A waiting period of at least 15 minutes, starting with the completion of the screening test should be elapsed before conducting confirmation test.
- (f) the tester should instruct the employee not to eat, drink, put anything (e.g., cigarette, chewing gum) into his or her mouth, or belch;
- (g) In the presence of the employee, the tester shall conduct an air blank on the EBT which they are using before beginning the confirmation test and show the reading of 0.0 to the employee.
- (h) The employee should see the result displayed on the EBT in confirmation test.
- (i) If the alcohol confirmations test results is 0.02 % or higher, direct the employee to sign and date the alcohol testing form.
- (j) Immediately transmit the result directly to the company representative in a confidential manner
- (k) Printout of the results, both the screening and confirmatory, shall be forwarded to the CAAN along with the alcohol testing Form MED- Form 20 ,not more than 2 weeks from the verified positive test.

### **Refusal to take an alcohol test**

The CAAN will consider all of the following conditions as a refusal to take the test:

- (a) Fail to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer.
- (b) Fail to remain at the testing site until the testing process is complete.
- (c) Fail to provide an adequate amount of breath for any alcohol test required by this AC.
- (d) Fail to sign the certification at the alcohol testing form.
- (e) Fail to cooperate with any part of the testing process.
- (f) As an employee, if you refuse to take an alcohol test, you incur the same consequences specified under CAAN regulations for a violation of those regulations.

# Civil Aviation Authority of Nepal

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## **Enforcement actions**

Applicable enforcement action leading up to the cancellation of license, rating, authorization, and certificate will be taken in the case of violation of CAAN regulatory provisions with regards to the use of psychoactive substances in accordance with “Aviation Enforcement Policy and Procedure Manual”.

## **Point of contact medical issues**

For medical issues the individual can contact Civil Aviation Medical Assessor (CAMA) at Licensing and Examination Division, Flight Safety Standards Department, Civil Aviation Authority of Nepal.

Issued by

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Director General

Civil Aviation Authority of Nepal

Date- Aug 2017

# Civil Aviation Authority of Nepal

## APPENDIX 1 ALCOHOL TESTING FORM

Note-

1. Please fill up the form and return to CAAN when the breathalyzer test is positive and blood testing is required.
2. A copy of it should be retained at air operators' office and will be inspected during the surveillance program.

Employee name and ID no:	
CAAN License no:	
CAAN validation certification no (if applicable):	
Date of birth:	Date of testing:
%BAC indicated:	Test conducted by:
Specimen no:	Specimen tested at:
Date of positive result received by:	
Interview with CAMA CAAN:	
Date:	
Place:	
Reporting of test to CAAN:	
Date:	
Declaration- I hereby declare that all particulars mentioned above are correct and true to best of my knowledge and I am aware that any false declaration will warrant enforcement action.	
..... Signature Name- Position- Date-	

