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Court sides with ARSA: Commands FAA to Show Cause

ALEXANDRIA, VIRGINIA, March 02, 2011 – The United States Court of Appeals for the District of Columbia Circuit ordered the Federal Aviation Administration (FAA) to explain why the court should not grant ARSA's request forcing the agency to comply with the court's mandate to perform a final regulatory flexibility analysis (FRFA) of its [2006 drug and alcohol rules](#). The FAA must respond to the court by 4pm on March 10, 2011.

If the FAA fails to show cause, the agency will have until May 23, 2011 to complete the analysis. The court order would also stay the rules for testing of subcontractor employees who perform safety-related functions "at any tier" while the FAA carries out the review.

"This is a major victory for small business and establishes that the Regulatory Flexibility Act can have teeth," said ARSA Executive Director Sarah MacLeod. "Today's ruling shows that agencies cannot flaunt the law without consequence."

In the underlying case ([ARSA, et. al. v. FAA 494 F. 3d 161](#)), the U.S. Court of Appeals for the District of Columbia Circuit found that the FAA failed to perform a required FRFA to determine the small business impact of its drug and alcohol testing rules. The court sided with ARSA and determined that the rules would pose a substantial burden on many small businesses; the association estimates that the FAA failed to account for as many as 22,000 small businesses.

Despite the court's decision, the FAA ignored the mandate for more than three years. As a result, ARSA was forced to take the rare action of filing a formal request with the court to compel the FAA to fulfill its legal obligation.

A copy of the court's order can be found [here](#).

For more information and background on the history of the case, [click here](#).

ARSA is an Alexandria, Virginia-based trade association that represents aviation maintenance and manufacturing companies. The association has a distinguished 25-year record of advocating for repair stations and providing regulatory compliance assistance to the industry and representing repair stations on Capitol Hill and in the media. More information about ARSA is available at <http://www.arsa.org>.

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